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The Week.

THERE has been but one speech on reconstruction in the Senate this week. It was by Mr. Garret Davis, who proposed that, as the South had suffered enough, all the reconstruction bills should be repealed. In the House on the same day, the 11th, the bill introduced by Mr. Banks for the protection of American citizens abroad was discussed, and met with much opposition. President Johnson's letter in reply to Grant, accompanied by letters from members of the Cabinet, was laid before the House, which, by resolution, called for General Grant's rejoinder. On Wednesday, in the Senate, Mr. Sherman introduced his bill providing for the immediate admission of Alabama. It declares that the people of Alabama, assembled in convention, have formed a constitutional government, which has been ratified by a majority of all voters who voted on the question, and that therefore the State is entitled to be restored to her old relations with the Union. The Appropriation bill—judicial, legislative, and executive—occupied the House, and Mr. Banks's bill above-mentioned was discussed. On Thursday, the Senate went back to the case of Mr. Thomas, senator elect from Maryland, and opposition stronger than was expected to his admission became evident. A case precisely the same in principle was, on the same day, settled in the House; Mr. J. Y. Brown, for saying, in 1861, that any Kentuckian joining the Lincoln army ought to be "shot down in his tracks," was declared ineligible to the office of representative in Congress. During the debate, Mr. Sumner cited out of Sallust the case of a certain senator who put his son to death for engaging in a conspiracy, and he thought that though Thomas should not have slain his son, he should have had him arrested. By an odd coincidence, Mr. Sumner quoted in the Senate, while Mr. Dawes, speaking on the Brown case, was quoting in the House, certain lines beginning,

"I hear a lion in the lobby roar."

On Friday, the Senate had the case up again. The probability that Mr. Thomas will be refused admission seemed to increase. The gift of one hundred dollars to his son who was about to join the rebel army seems to be the point relied on to secure his rejection. As a precedent, his rejection is not necessary. On Saturday, the Senate was not in session; the House continued consideration of the Kentucky expulsion case, and refused Mr. Smith, the contestant, the seat to which Mr. Brown has been elected. On Monday, Mr. Bingham brought in a sub-

stitute for the Senate bill in relation to Alabama. It differs from Mr. Sherman's in little except its wording. Both ignore the provision of the Reconstruction Act which requires that a majority of all qualified voters should vote on the question of ratification, both refuse a new election, and both admit Alabama to the Union almost at once. Mr. Bingham's goes into details more, and insists on the ratification by the State Legislature of the amendment to the Constitution and the passage of an impartial suffrage act. There will be no difficulty in harmonizing the provisions of the two bills. The Senate Judiciary Committee, on the same day, reported a bill declaring a majority of the votes actually cast in any of the elections held under the Reconstruction Act shall be sufficient. Mr. Trumbull offered a bill in regard to the jurisdiction of courts. In brief, it is this: The judicial power of the country, as many decisions of the Supreme Court testify, does not include political power, and reconstruction is a political business. So the bill, which seems to us a wise one, dismisses the McCord case, and orders similar ones dismissed.

Both the Alabama bills substantially repeal the Reconstruction Act, as they provide not that a majority of the votes cast at an election to be hereafter held shall be sufficient to ensure the adoption of the constitution, but that a majority of the votes cast at an election which has already taken place, and in which a large body of voters abstained purposely from voting, as under the law they had a right to do, is sufficient. Either is, in other words, to all intents and purposes, an *ex post facto* law, and introduces an entirely new principle into reconstruction, throwing overboard that on which the process has hitherto proceeded, namely: that the new constitution ought to be such as the people of the State, minus certain defined exceptions, approve of. The abstaining of the Alabama whites was, no doubt, a demonstration of hostility to the Government; but it must be remembered that the law not only permitted, but suggested, that the new constitution might be opposed by simply staying away from the polls, as well as by voting. That provision was certainly a mistake. Everybody now admits this; but is not the way to rectify it to order another election with the stipulation that a majority shall suffice to adopt the constitution? Mr. Bingham's bill strikes us as in fact a trick in return for a trick; but is it dignified or wise for Congress to engage in a game of this sort with the Southern whites? The proceeding, too, though it will, of course, bring Alabama into the Union, can have no moral effect. The whites will not consider it in any way binding, and will break it up at the first opportunity. Moreover, the new bill makes no provision for the case of the other States, and therefore, if passed, is likely to throw the whole work of reconstruction into confusion. We say no more about it at present, however, because it is not likely that it is the plan which will be finally decided on.

In Florida, the seceding convention, led by a Mr. Liberty Billings, offers to rejoin the majority convention if Billings can be made the nominee of the convention for Congress. Mr. Alpeoria Bradley's private character is so bad that he has been expelled from the Georgia Convention by a unanimous vote; nothing is said against Mr. Billings's character, but if it were possible for the convention to send him—not to Congress, but out of the convention, Florida, we are very sure, would not in the least suffer. He is entirely destitute of qualification for the leadership of any class of voters yet existing in this country or any other. General Meade's advice to the two conventions to expunge their separate records, elect a new president, and begin work over again, has been taken. We hope sincerely there may arise some opportunity for General Meade to arrest Mr. Billings as an obstructor of reconstruction.

The Georgia Convention has, as we have said, honored itself by turning Mr. Bradley out of doors. His insolence while in power is said to have been quite equalled by his abjectness in disgrace, and there is no doubt that he has in profusion all the gifts of the lowest sort of demagogue. The convention is still at work, and is still almost or wholly without pay for its services. A petition to Congress for a loan to the State of \$30,000,000, for the restoration of the agricultural interest, has been adopted—a substitute, possibly, for the wild confiscation measures which were to have been adopted “when the brutal African,” etc. In Louisiana, a similar petition will be adopted. General Hancock, it is said, intends to order that the vote on the election of State officers shall be held on another day than the one appointed for voting on the ratification of the Constitution. The convention is of opinion that the popularity of candidates, and the interest taken in their fortunes, will tend to bring out a full vote. Perhaps General Hancock is of the same opinion, and perhaps he is of another; at all events, Senator Trumbull's bill, presented last Monday, most likely makes it a matter of perfect indifference whether the expected order is issued or not. The South Carolina Convention asks Congress for \$4,000 with which to purchase lands for the homeless. General Canby, whose excellent administration of affairs in Louisiana procured him the sincere respect of every man in the State, though it once in a while made Radicals, and oftener Conservatives, grumble, is winning respect in the Carolinas also. There is little fear of intimidation of voters while he remains in command. In Arkansas, General Gillem has ordered the voting on the constitution, just completed, to begin on the 15th of March, and continue five days. In Virginia and Mississippi, work in convention is going on slowly; Mississippi has had her “personal difficulty,” but no lives were lost.

As we said last week, the decision of the Supreme Court in the Mississippi and Georgia cases does not remove all cause for anxiety about the result of the McCordle case. The court, on Monday, denied Mr. Trumbull's motion to dismiss the case for an error of procedure, and the question of jurisdiction has, accordingly, still to be decided before the merits are reached. To meet the contingency of a decision adverse to the military authorities, Mr. Trumbull has introduced a new bill, which, it is thought, will be passed in lieu of the one about which we have heard so much lately, but which the Senate has judiciously let sleep. The last bill, which is No. 4, declares that Congress alone has the power to decide political questions—which the court has repeatedly acknowledged—that no civil governments, recognized as such by Congress, exist in any of the unreconstructed States; that reconstruction is a political process, and the reconstruction acts are political acts, the propriety and validity of which no judicial tribunal is competent to pass upon, and forbidding the court to entertain any process whatever arising under these acts. We have at last got into the right track, and we have to thank Mr. Trumbull for it. This bill exactly meets the case, and no more than the case. It prohibits the court from interfering with what is in reality, as we said some weeks ago, the making of a treaty of peace after a long and bloody war; but it does not doctor or manipulate the court, or curtail its jurisdiction in ordinary times and for ordinary cases, and does not treat it as the tool of the majority for the time being or as “the creature” of the legislature, and leaves its dignity unimpaired. When Congress, however, makes four or five experiments—as it has in this Supreme Court business—and at last settles down on a plan differing completely from all that have gone before, one cannot help reflecting with curiosity as well as anxiety on the mental condition of the party orators and editors, who, as each plan makes its appearance, swear before heaven that it is perfect in all its details, essential to the national salvation, and that anybody who doubts it is either a traitor or a blockhead, or both.

A correspondent of the *Cincinnati Commercial*, writing from Alabama, gives an interesting account of the election in that State, and of the cause of the defeat of the Constitution. He says the Conservative tactics were simple enough: There were 171,000 registered votes in

the State; under the law 86,000, therefore, had to vote for or against the constitution to secure its adoption even by a majority; but if anything less than 86,000 voted for it, even if nobody voted against it, it was defeated. So they stayed away. A Conservative was asked by the correspondent if he did not think this “a little obliging” on the part of Congress, to which the unrepentant rebel replied, profanely, but with a good deal of truth, “Yes, sir, obliging out of pure d—d stupidity.” The rebels ought in fact to erect a monument in some conspicuous place to the Previous Question.

The key of the position having been discovered, the plan of the Alabama Conservatives was of course simple and easy of execution. Each intelligent white man stayed away from the polls, and kept away also as many ignorant whites and negroes as he could, partly by false information, partly by intimidation, and partly by whisky. The correspondent of the *Commercial* mentions one conservative who “paired off” with fifteen different Radical voters. He confirms the opinion prevalent here, that the great hope of the malcontents at the South is, after all, in a Democratic victory in November; that for this they are waiting with confidence. It being clear that these men would sooner be disfranchised themselves than have the negro enfranchised, the question arises, what is the value of the “punishment” of disfranchisement, to the infliction of which we have all so long attached so much importance?

The latest symptoms of the growing weakness of the Western wing of the Republican party on the subject of the public credit, are Senator Sherman's consolidation bill—which threatens, by implication, that if the holders of bonds which now pay six per cent. in coin, and are worth 110 or 111 in the market, do not convert them at par into bonds of longer date, and paying only five per cent. interest, they will be paid off in paper—and General Logan's resolutions providing for the taxation of United States bonds to the extent of two per cent. per annum. If either of these projects were carried into execution, of course the national credit would be ruined. A forcible reduction of interest would be equivalent, in the eyes of the world, to repudiation, and so would taxation in defiance of our express agreement not to tax. A government which reserved the power of taxing its own obligations could of course not borrow money, for it might any day tax them out of existence; still less could a government which taxed them after agreeing not to tax them. We trust a little more discussion and reflection will show that the people are in this, as in other matters, at least as wise as their servants in Washington and more high-minded. Repudiation in any form may fairly be regarded as a surrender of the principle of nationality vindicated by the war, for it makes secession once more possible and probable. We have received since we last spoke of this subject the report of the Superintendent of Savings-Banks in this State, from which it appears that these institutions hold forty millions of United States bonds. Accurate returns from other States would probably show the amount of the savings of the poor invested in this way through the banks to be little, if any, short of two hundred millions.

The *New York Times* had a singular article on Monday, apropos of General Logan's resolutions looking to the taxation of the Government bonds. It did not deny that the public faith was pledged, when the loan was contracted, that the bonds should not be taxed, but declared that the people were determined not to endure their exemption any longer, and coolly informs the bondholders that “they will not be wise in attempting any resistance.” The fact that exemption from taxation was one of the conditions on which the bonds were taken would be “sufficient,” the writer says, “to close all abstract argument on the point. But government and politics are not conducted strictly according to abstract principles.” We do not well know what is meant here by “abstract principles,” but we do know that both politics and government have to be conducted, in order to succeed, on principles of common sense and common honesty. There is nothing “abstract” whatever

about the nation's engagements with its creditors, nor will there be anything "abstract" about the swindle, if it swindles them. The whole affair is an ordinary promise to pay an ordinary debt. We trust, too, that the bondholder will not be bamboozled into taking a metaphysical view of his case, or of the people's behavior. Every bondholder, if he is either bullied by Senator Sherman's bill into exchanging his six per cent. for a five per cent. bond, or by General Logan's resolutions into submitting to taxation, will owe it to the great interests of morality, to the national honor and welfare, to cry out against the iniquity, to remind the world that a swindle committed by a million is as much a swindle as a swindle committed by one, that the moral law cannot be altered by a popular vote, and that either of the transactions which are now proposed, by way of lightening the public burdens, would sink the national credit below that of Greece, Spain, or Turkey, because those countries are poor, while the United States is rich. The assertion of the *Times*, by-the-by, that "the compulsory reduction of the interest is in accordance with the practice of England," is not only a very mischievous assertion, but has no foundation in fact. This story was concocted by that ingenious financier, General Butler, when he first introduced his little greenback scheme to public notice.

A curious theory of the law of commercial crises has just been propounded in England, at a meeting of the Manchester Statistical Association, by Mr. John Mills, a banker of great experience, and which takes these phenomena out of the domain of political economy, properly so-called, and places them in that of psychology. He says that commercial panics occur now every ten years, with almost perfect regularity, under all systems of currency and banking—for instance, both in England and America, in 1825-6, 1836-7, 1857, 1867—and, he believes, through the working of a law of the mind. He divides the commercial cycle into the post-panic period—one of great depression and timidity; the middle period—one of revived activity and renewed hope, though marked by caution; and the highly speculative period—when the whole machine is working at high pressure. He thinks the change which takes place in the *personnel* of most firms in the course of ten years, and the steady influx of young men into business, prevent the experience of one crisis being of much use in preventing others. The fact that in times of speculation able and experienced business men use their experience and sagacity rather in getting out themselves and getting their friends out before the crash comes, than in not going in at all or in repressing it, is also worth consideration.

We wish sincerely our leading agitators for the legislative interference between capital and labor had in their hands the French *Almanach de Coopération* for the year 1868, which has just been published, and which contains in a series of able articles the experience of the large body of French working-men who, after long and bitter experience of various devices for bettering their condition, are now successfully engaged in co-operative industry. Their most striking feature is the supremacy they assign, in all efforts to raise the working-man in the social scale, to individual thrift, intelligence, and industry. They repudiate all state aid and state interference as a curse, and treat strikes as simply a clumsy and ineffective expedient for mitigating the hardships of a position which, whether wages be high or be low, is one of helplessness and dependence. We are glad to say the co-operative movement is making rapid strides in France, and the Schultze-Delitzsch co-operative banks have been introduced with eminent success. If our working-man pamphleteers and orators who are now clamoring so loudly for more wages and legalized short hours would lay down their pens, and go to work with their friends and neighbors to make their own wages and fix their own hours, they would do more for their own class and for society at large than they will ever do by political spouting.

The *Globe*, a new paper started in Paris, in telling the story of Train's arrest in Cork, mentions that he has claimed \$500,000 damages of the British Government, but holds that he has erred in asking so much, inasmuch as the English law only allows him ten dollars for the first and twenty dollars for every succeeding hour of his detention in

prison, and says the British Government is ready to pay him \$1,500 as his lawful due under this tariff. We hope the great man will listen to the advice of a disinterested and well-informed neutral, and compromise with the unfortunate Derby, who, though he may err in judgment, can hardly be accused of malice.

The statement of the French Minister of Finance, M. Magne, has been laid before the world, and it is not a very hopeful document. The floating debt (unprovided for) amounts to \$187,000,000. The revenue of 1867 shows a deficit of nearly \$6,000,000, and added to this there is the expense of the expedition to Rome, and an extraordinary credit voted by the legislature in 1867, amounting in all to \$69,000,000, for which funds have to be secured. Over and above all this there are the extraordinary military and naval expenses of the two coming years, caused by the increase in the army and the change in the weapons. So the minister proposes a new "popular loan" of \$88,000,000, to be taken in twenty instalments extending over twenty months. The delay has been supposed by some to be a guarantee that there would be no war till the loan had been all paid up; but once a man begins to take the loan he is not likely to stop and forfeit his paid-up subscriptions because of an outbreak of hostilities. Moreover, a loan was issued on similar terms only four months before the Crimean war, and a fresh one was issued before all the instalments had been paid in. The loan will probably be offered on very low terms, which in other countries usually excites suspicion and makes bidders shy, but the effect on the French peasantry, who are large takers, is said to be very different. The easy terms they look on as a proof of the Emperor's "kind-heartedness." The financial future of France grows more and more cloudy.

The army bill has passed the French Senate, M. Michel Chevalier, the economist, enjoying the honor of voting against it in a minority of one. He made a powerful speech in opposition, setting forth what may be called the Cobden view of standing armies and international relations, and warning France that while the four great powers of Western Europe were wasting their resources and bringing on premature decline by their prodigious armaments, two great empires were rising in the East and West—Russia and the United States—which bid fair before many years to hold them all at their mercy. The bill is, however, very unpopular in the country districts. The private advices are unanimous on that point. The *certainty* of having to serve is a crushing blow to the young men.

Paris, on the other hand, as the seat of French thought, is rent and torn by the new Press bill, which bids fair to reduce newspapers to imbecility. M. Thiers, Pelletan, and Emile Ollivier have made eloquent speeches in opposition, but evidently to one of the least impressible audiences ever assembled in a great capital. The way in which business is conducted in the Corps Législatif may be guessed from the fact which has just transpired, that mistakes constantly occur in counting the vote in the divisions, which are never rectified and are treated by the president as of no consequence. The votes of members not present are put down frequently, and cases have occurred in which members, who did not wish to be disturbed when reading in the library, have requested friends in the Chamber to vote for them against "the order of the day." The effect of the press law is aggravated by the recent press prosecutions, which have resulted in ten convictions, the penalty being fines of two hundred dollars each. It may help to give an idea of the condition of the press in France to say that the court ruled that the papers, in commenting on the parliamentary debates, must not lay before their readers a chronological summary of the order of the debates, and must not mention "the impression produced on the Chambers by the speeches," or say that a particular speech "produced a considerable sensation and ultimately induced M. Rouher to break silence," or "give a picture of the physiognomy of a sitting," or say that "the debate was animated," or "reproduce textually" two extracts from a speech, or "analyze a speech," or "describe the impression produced on the Chamber" by certain speeches. The articles printed by the Fenian papers in Dublin are curious reading beside the reports of this trial in Paris.

Articles on any of the subjects usually discussed in this journal will be received from any quarter. If used, they will be liberally paid for; if rejected, they will be returned to the writers on the receipt of the requisite amount of postage stamps.

All Communications which pertain to the literary management of THE NATION should be addressed to the Editor.

THE RECONSTRUCTION PROCESS.

WE believe the result of the late vote on the new constitution in Alabama is not yet accurately known, but it appears to be all but certain that the constitution has been rejected, not because the majority of the registered votes were cast against it, but because they were not cast for it. In other words, it appears that the Southern plan of registering and then staying away from the polls has been in a measure successful. This contingency was foreseen before Christmas, and Mr. Stevens introduced a bill providing that a majority of all votes cast should be sufficient for the adoption of the new constitutions, and it passed the House; but, like so many other measures conceived in that body, it was laid aside in the Senate, and now reposes there. The Senate was probably influenced in letting it drop by some very obvious reflections as to the effect on public sentiment of the adoption of a constitution by a small fraction of the legal votes of a State, and determined, whether wisely or unwisely remains to be seen, to stand by the original measure.

The situation now is, in plain terms, simply this: The execution of the plan of reconstruction on which Congress settled after two years of discussion and experiment has, after a full trial, in spite of all the encouragement it could receive from military commanders and Northern political organizations, been arrested by a cunning device of the Southern whites—of whites, too, whom it has not been possible to disfranchise for a share in the rebellion. One of the unfortunate results of the state of political feeling at the South is that the white population is nearly a unit. The disfranchising a large portion of it has not resulted in dividing it into two parties. On the contrary, it seems to have cemented it together more closely than ever. Those whom we have permitted to retain the franchise have used it to carry out the wishes and ideas of those from whom we have taken it away, and we have now proof of what all intelligent men have so long suspected, that the negro, even with the United States Government at his back, and his enemy's hands tied, is no match for him in the game of politics. If the white cannot influence him, he can intimidate him; and between influence and intimidation the white man, or, as it is the fashion to call him, "the unrepentant rebel," has even now, with all the restrictions which Congress has thought proper to impose on men of his class, with the United States troops keeping watch and ward over him, been able to have things his own way.

The question what is to be done is, therefore, fairly before the country as well as before Congress, and has to be answered at once. The majority in Congress have been for some time writhing under the delay in reconstruction from the consciousness that the party was suffering from it, and that if it were protracted much longer it would endanger the Presidential election. For this reason great exertions have been made to push it on in Alabama, so as to get one State in at least, and show that the thing could be done before the New Hampshire election. The present check is therefore a great disappointment from a party, as well as from a national, point of view. The Congressional leaders have therefore almost lost patience, and seem indisposed any longer to stick at trifles. The law under which the Alabama vote has just been taken prescribed distinctly who were to vote and who were to be excluded from voting, and ordained that unless a majority of the qualified voters whose names stood on the registry list voted for the constitutions which the conventions were to draw up, such constitutions would not be put in force or recognized by the United States Government. We dare say the intention of the framers of the Reconstruction bill and their expectation also were that all registered voters should vote, and that the decision should rest with the majority. The wording of the statute, however, makes refraining from voting altogether serve the same purpose as voting no, and the malcontents prefer it, as it enables them

not only to defeat the constitutions, but to bring additional discredit on them by showing the world that only a very small proportion of the population takes any interest in them whatever, even enough to induce it to go to the polls. The intention of the framers of the bill is therefore defeated, and their expectation disappointed, and by the aid of instruments furnished by themselves. It is now proposed to disregard the provisions of the Reconstruction Act altogether, and to pass another which will bring in Alabama at once as she stands. The argument by which the New York *Tribune*—from which we always get more of the theory of Congressional doings than we ever get from Congress itself—justifies this proposal is substantially this: That the end and aim of the reconstruction process is, of course, first, the restoration of the Union and the protection of the loyal men of the South; now, those who vote against the new constitutions, and those who refrain from voting at all, are equally disloyal; those who vote for them are sure to be loyal, and these are and ought to be the first care of Congress. These, be they few or be they many, are the real "people" of the State. Therefore, though they be only "ten" in a State, when they bring us a constitution which complies with Congressional requirements, and ask us for admission to the Union, we are bound to recognize them as the State, and let them come in.

There are, however, two serious objections to it. A bill of the character now proposed, whatever else it might do, would not disguise or color the fact that Reconstruction Act No. 1, which we have all been defending so strenuously for the last year, had been abandoned by its authors as a failure. If this would not furnish a triumph to the "unrepentant rebels" and to the Northern Democrats, and would not do much to dishearten and disgust weak-kneed Republicans, they must be either more or less than human. The original Reconstruction Act, under which the election has just been held, defined the people of a Southern State to be all that portion of the population who should satisfy certain officials as to their qualifications and procure the inscription of their names on a certain register, and engaged that the State should be admitted to the Union under any constitution which a majority of these voters so registered formally approved of. The bill which it is now proposed to pass, however, would furnish an entirely new and contradictory definition of "the people"—making it that portion of the registered voters, be it large or small, which approved of a certain constitution. There is no way of making the last bill appear supplemental merely to the first one. It contradicts and supplants it. Whoever supports the one admits that the other was of no value. Therefore, we hold that the change, whether necessary or not, is a confession of failure, and will injure the party in a way which the failure without the confession could not have injured it.

But perhaps, even if it be a confession of failure, it is the best way out of the difficulty, and, although it may injure the party, it will serve the cause. To this, we regret to say, we cannot assent either. Reconstruction Act No. 1 was based on certain principles which we hold to be good not for one, but for all cases, and which must govern any plan of reconstruction that is to be sure and lasting; and first and foremost, on the principle that the constitution of a State ought to be the work of the majority of its people—meaning by people male inhabitants; that it is for them, both on grounds of usage and of reason, to make it; and after they have made it, it is for Congress to say whether they, the State, can come into the Union under it or not. We took this ground in February, 1866, when there was still some uncertainty as to the course Congress ought to pursue after ousting Mr. Johnson from his share in the work of reconstruction; we hold to it still. Congress was doubtless justified in excluding from the registry certain persons whose acts had raised a presumption of their hostility to the Government and reserving the task of drawing up a constitution to the remainder; but we know of no argument and no state of things which will justify Congress in committing this task to any infinitesimal minority of the population whom it may select by an *ex post facto* law or who may choose to call themselves friends of the Union. If there are only "ten men" in a State willing to come into the Union under a certain constitution, that is a reason for rejecting the constitution and holding the State under military rule. It can never be a reason for "making believe" that the

few ought to govern the many—that a fraction of a population constitute “the people.” An oligarchy is an oligarchy, and has all the vices of an oligarchy, whether based on “loyalty,” on birth, or on money. Its defect does not lie in the principle on which it rests, but in its very constitution. Moreover, the acceptance by Congress from the hands of a small body of persons of a constitution of which nobody else approved would be tantamount to the imposition of a constitution by Congress on the majority—a thing new in American political history and most dangerous as a precedent.

It is said that we should in this way put an end to military government. But this is another “make-believe.” If we admit States into the Union on the demand of little knots of loyalists, on terms obnoxious to the rest of the people, we shall have to leave troops behind to protect the “loyalists” against their subjects. Who would obey their decrees? What regard would the masses pay to their legislatures or their sheriffs, and what chance would “the powers that be” have in the conflicts which would be sure to arise every time an attempt was made to levy a tax or execute a writ?

It is high time we all came down and looked the cold, hard, stern facts in the face. The “guilt of the rebellion” or the “moral right” of Congress has really very little to do with this matter. The problem before us is to pacify the South, and to secure the freedmen against legalized degradation and oppression. To effect this there must be a great deal of wrath smothered, a great many prospects of vengeance and retribution given up. But the way out of the present dilemma, the path of safety as well as of honor for the Republican party, we hold to be the retention of the South under the present military régime until the whites have got rid of whatever delusions as to the possibility of defeating the Congressional policy Mr. Johnson may have inspired them with. In the meantime, military rule is doing no harm. It is the best and most civilizing rule to which the South has ever been subjected, and certainly the one best suited to the crisis through which she has just been passing.

THE CHINESE EMBASSY TO CHRISTENDOM.

THE intelligence recently received from China that the Chinese Government had appointed Mr. Burlingame, the late American minister at Peking, to be its ambassador to Washington and the courts of Europe, was startling even to the foreign residents at the treaty ports of China, and was received here with some surprise and incredulity. We are in possession of information from China, however, which shows that this is only a logical step in the ladder of progress which the Chinese have been steadily mounting for several years past.

The old policy of exclusion was religiously adhered to by the Peking cabinet till the English and French armies thundered at their gates, and enforced the ratification of the new treaties. Even then the leaders of the old school carried off their debauchee of an Emperor to Tartary, and proposed to continue their flight to the boundaries of the empire sooner than yield to the foreigner. But, on the death of the Emperor, his brother Prince Kung and Wensiang, two men who appreciated and accepted the new situation, gained control of the regency by a brilliant *coup d'état*, and inaugurated a progressive policy. Its first-fruits were an acquiescence in the residence of foreign ministers at Peking, and a willingness to profit by their advice so far as the distracted condition of the empire would allow. Their attention was next forcibly drawn to the foreign inspectorate of customs at the treaty ports, on which England and France had insisted as a collateral security for the indemnity due them. This institution was at first distasteful, but as each year brought into the imperial exchequer a rapidly increasing revenue from this source, the Chinese have accepted the idea in its entirety, and have developed a revenue service which for efficiency, honesty, and convenience can compare more than favorably with our own. The navigation of the Yangtse River was also conceded, and the substantial advantages to them of the fleet of steamers now trading on that great internal highway of the empire operate in favor of still further opening of their waters to foreign commerce. In various places they have established arsenals under foreign supervision, where arms are manufactured to equip their foreign disciplined troops. They are building gunboats to police their coasts, and repress the

piracy which has been their curse. They have issued wise pilot regulations, and appropriated funds for light-houses where the need is most urgent. Wheaton's “Treatise on International Law” has been translated into Chinese, and they have adopted it as their text-book—understandingly, too, as they proved when a Prussian frigate violated the neutrality of their waters in the last Danish war. In Peking itself a college has been established for the instruction of natives in Western knowledge by the ablest professors that could be procured, and there can be no doubt of the benefit that will almost immediately flow from this substitution of positive sciences for the dead husks of the Confucian classics.

By such reforms have Prince Kung and Wensiang proved their desire for progress to the diplomats of Peking. But the governments of the West, goaded on by the incessant cry of commerce for wider expansion, have been too prone to disparage the importance of what is already accomplished, too willing to doubt the sincerity of Chinese professions, and too unmindful of the incubus of native superstition and crass ignorance against which the Peking cabinet must struggle in its efforts to bring the empire into the comity of nations. Nor could the Chinese hope to combat these prejudices, or prove that they are really anxious to reap the advantages and assume the responsibilities of intercourse with civilized peoples, so long as they refused to use their privilege of being represented at the courts of treaty powers. To send such an embassy was to abandon for ever their old pretension that China had nothing to ask from the outside world, the nations of which were mere tributaries of their Emperor. Bold as was the move, however, it was, as we have seen, the next step in the rational development of progress at which these statesmen have aimed, and they have decided to brave the ancient traditions of their country. There is no reason to assume, as has been done by a clever contributor to one of the Shanghai papers, that this embassy was planned in Washington two years ago. The idea originated with the Chinese themselves, and the mission has therefore a deep political significance, while on any other supposition it would have been as futile a plot as the Lay-Osborn flotilla scheme.

The facts are, briefly, that when Mr. Burlingame called at the Foreign Office to take his congé as American minister, this mission was offered to him by Wensiang, after many expressions of gratitude for the fairness which had characterized his diplomacy, and of their desire to be represented by him in those countries whither he was going, and where they had few friends who understood them. Mr. Burlingame, after careful consideration, accepted their offer, and a few days afterwards received in due form the Imperial decree nominating him ambassador to all the countries having treaties with China, viz., United States, England, France, Russia, Prussia, Italy, Sweden, Denmark, Spain, Portugal, Belgium, and the Netherlands. The diplomatic corps at Peking were informed without delay of the new mission, which they seem one and all to have welcomed. Indeed, whatever soreness or irritation any of them may have felt, it is hard to see how they could have done otherwise, inasmuch as the Chinese have only exercised an undoubted right, to which no objection can be urged except as a shield for interested or sinister motives.

Looking at Mr. Burlingame's nomination from the Chinese standpoint, it seems as astute on national grounds as it is personally natural and appropriate. In the first place, the men who had foresight enough to see the advantages of the embassy saw also that to send a Chinese would be to place themselves in the hands of the foreign employees whom it would be necessary to attach to their envoy, ignorant as he would be of Western languages and untrained in European diplomacy. It remained, therefore, to select some foreigner who should possess, together with their confidence, a perfect knowledge of their foreign relations, with an insight into their internal condition and practicable policy. Of all the great powers who have had treaties with them America stands alone as their constant friend and adviser, without territorial aspirations, without schemes of self-aggrandizement—the unpretending but firm advocate of peace and justice. It therefore seemed safest to entrust their interests to the citizen of a country which had persistently avoided aggression, and which they knew was not hampered or committed by any alliances with the powers they had

most to fear. Besides, they had seen enough in Pekin and learned enough of current history to know how hopelessly entangled are the various nations of Europe. To have appointed an Englishman would have irritated the French; a Frenchman or German would have been distasteful to England; a Russian would have been a slight to the other three; so that the choice of an American seemed, as the event has proved, the only means of reconciling their own wishes with the conflicting interests of other nations.

On the other hand, apart from his nationality, there seems a special fitness in the selection of Mr. Burlingame. He was the dean of the diplomatic corps at Pekin, and, as such, better and longer known to them than any other high foreign officer there. They have had good reason to thank him, above all others, for initiating what is termed the "co-operative policy," by which the great powers have guaranteed the territorial integrity of China, binding themselves to act in concert on all questions of common interest, and pledging themselves to use fair diplomacy in place of the old cut-throat, bayonet-point policy which assumed that China had no rights which foreigners were bound to respect. England and France had come to look on China as a great preserve for their own use, over which they should exercise a virtual protectorate and despoil as occasion might offer. But with the increasing interests of other nations in China this policy would have led to constant complications, and, for the common peace, must have been sooner or later abandoned. It is due to Sir Frederic Bruce and M. Berthamy, the British and French ministers, to say that they united cordially with Mr. Burlingame in inaugurating a juster and more sensible policy, and that they yielded with a good grace the preponderating influence at Pekin which their countrymen cannot yet see has of necessity become lost to them. More or less of a veil of mystery hides most Pekin diplomacy, still it is well known that Mr. Burlingame has been the incessant adviser and mediator between the conflicting interests at the court. His good offices, for instance, relieved the Chinese from the burden of the "Lay-Osborn flotilla," a filibustering scheme by which two English gentlemen, with more or less of their Government's concurrence, hoped to convert China into a satrapy of England. And when the French became embroiled in the Corea through their missionaries, and threatened to levy a war of propagandism in China, Mr. Burlingame, in like manner, calmed the troubled waters and saved France from the stigma of doing a great wrong.

There is, therefore, no one whom the Chinese can so confidently trust to state to Western nations their wrongs, difficulties, and aspirations as the man who has so long proved himself their disinterested friend. And it is understood that this confidence has been fully and implicitly bestowed, so that on arriving in Europe he will find himself unfettered by instructions and free to act as to him may seem fit. Those who fear that the embassy bodes no good to foreign interests need only refer to Mr. Burlingame's political record to be satisfied that he will not lend himself to any retrograde policy. We are all too apt to complain of the slow movement of the Chinese in the direction of progress; but the most far-seeing policy, after all, consists in the slow, gradual, but steady development of powers which centuries of stagnation have paralyzed. No one understands this better than the new ambassador from China to the outer world.

THE USE OF THE SUPREME COURT TO THE UNION.

WHY the advocates of absolute or of limited State sovereignty should have been in the past, or should be now, openly or covertly the opponents of the Supreme Court, is easy to understand; why those who assert the essential nationality of the United States should join in the same opposition is utterly inexplicable. That court is the one department of the General Government which has uniformly been ranged on the side of the sovereign people, one and indivisible; the executive and the legislative have occasionally wavered, this never. Without its aid there would now have been no national party, simply because there would have been no nation. For those, therefore, who uphold the principles of government which emerged victorious from the agony of the late war; who lead the party of the Union and shape its administrative measures; who are laboring to define and exalt the nature of American citizenship, and to protect the American citizen from all the

effects of local hostilities—for them to weaken the authority of the court by directly abridging its jurisdiction, or by destroying its moral influence and the popular confidence in its judgment, is more than an act of folly, it is an act of suicide. The history of the court establishes beyond a doubt the correctness of these statements.

It is well known that in the Convention of 1787 the opposing forces of nationality and of State independence and sovereignty were nearly equal, and although the former triumphed in the general plan of the Constitution, their victory was not won without many concessions and compromises. The conflict immediately recommenced upon the organization of the new government, continued without intermission, received an accession of bitterness and violence from the added element of slavery, and finally culminated in the rebellion. Into this contest the court at once threw itself, and dealt most vigorous blows. Called upon to decide cases arising under the Constitution, it could not evade the summons, and answered the call with no uncertain response. In its first great judgment involving an interpretation of the organic law (*Chisholm v. Georgia*, 1793) it proclaimed the absolute nationality and paramount supremacy of the one people with a clearness, force, and emphasis which leave nothing to be supplied, and thereby opened the way for far-reaching results which we are just beginning to apprehend. From the position then assumed it has never departed. For the first fifty years of its existence it was constantly engaged in sustaining the authority of the General Government against the encroachments of the States. A deliberate attempt was made by many State legislatures, and persevered in with an unpatriotic determination, to restrain Congress within the narrowest limits, and to reduce it to the condition of its confederate predecessor. State laws were passed creating local regulations of commerce, interdicting free navigation, imposing duties upon vessels and goods, demanding licenses from importers. State taxes were laid upon the stock of the United States, upon its bank, and upon the salaries of its officers. Had these incipient and somewhat tentative measures been successful, they would speedily have been followed by others yet more aggressive, and the final result would not have been doubtful nor far distant. That they were not successful, and that the threatened result was made for ever impossible, was due alone to the Supreme Court. In a series of masterly judgments, called forth by these State laws, the functions of Congress were examined, and the two great fundamental principles were established, that within the range of subjects committed to it its powers are as absolute as those of the British Parliament, and the supremacy of its legislation as perfect, and that while acting within this range of subjects its choice of particular measures is unlimited. The attempt of the States to reclaim the practical independence which they had enjoyed during the confederation was thus frustrated, and they were reduced to the position of subordination which the Constitution assigned them. The importance of this judicial action, and of the high national principles thus made a part of the fundamental law, may be appreciated when we reflect that every extraordinary statute of the present and of the late Congress must be sustained by a reference to these doctrines. It is a very remarkable fact that, with the three exceptions soon to be mentioned, the only United States laws which have ever been declared invalid were one or two conferring jurisdiction upon the Supreme Court itself or upon the inferior tribunals. On the other hand, many most important enactments have been upheld, the prohibitions of the Constitution, whether contained in express provisions or involved in the national supremacy, have been sternly enforced against the States, and Congress has been secured in its position as an imperial legislature. The three additional instances in which the court has pronounced against the validity of United States statutes are the *Dred Scott* case, the Test Oath case, and the case of *Milligan*. However much we may object to and repudiate at least one of these decisions, it must be said that they do not impair the nationality of the people and the supremacy of the Government, but profess to be based entirely upon prohibitory clauses of the Constitution, which expressly forbid the legislation under review.

Mr. Parton has recently said that the life-work of Daniel Webster was the education of the North in respect to the nature and value of the Union. The same may be said, with even more truth and emphasis,

of the Supreme Court. Its solemn judgments have given an authority to the claims of the nation as against those of local sovereignty; the States have been compelled to yield, and their judiciary, though sometimes reluctantly, have adopted the doctrines of the higher tribunal, and thus these doctrines have finally become the settled convictions of the people. Without this education and these convictions, the war for the suppression of the rebellion could not have been prosecuted; indeed, it would never have been commenced. The opponents of the court have hitherto been found among the partisans of State sovereignty. This was natural. These men sought its complete overthrow, or at least the destruction of its semi-political function, because they saw in it an obstacle to the success of their disorganizing efforts. They might hope to obtain control of Congress and the Executive, but to move the judiciary from its position they knew to be impossible. It is more than strange, it is pitiable, to find the national men of the present day repeating the stale arguments so often used by their adversaries, and quoting with approval the sneers of Jefferson and Jackson. Do they reflect that they cannot afford to lose the aid of the Supreme Court? To remove the legislation of Congress from the reach of all judicial action is simply impossible. If the judges of the nation are silenced, those of the States will be left entirely uncontrolled. The laws of the General Government must operate within States, and the officers of the General Government must act within the jurisdiction of State tribunals. Remove the supervisory function of the national judiciary, and these laws will become the sport of local partisanship; upheld in one commonwealth, they will be overthrown in another, and all compulsive character will be lost.

We might be content with the simple fact established by its history, that the Supreme Court has been an invariable supporter of our nationality, but there is an evident reason why this should continue to be so. The judges are in great measure withdrawn from local influences; they are the permanent branch of the Government; the precedents for their action are all in favor of upholding the national authority; their habit of mind is opposed to any violent change. To restrict their jurisdiction and weaken their moral power is, therefore, to sacrifice in a most unnecessary manner that department of the Government which, more than any other, will make national ideas triumphant, not only in the legislation of to-day, but in the permanent convictions of the people.

AUTHORS VERSUS READERS.

MR. HENRY C. CAREY, of Philadelphia, was requested fourteen years ago, by a "Pennsylvania Senator," to put on paper his ideas as to the nature of the property which authors held, or were entitled to hold, in their books, apropos of the copyright discussion which was then raging. He did so in a series of letters, of which a second edition has just been published, with the addition of a long preface, as a reply to Mr. Parton's recent article in the *Atlantic Monthly*. This article, Mr. Carey says, he has read carefully, and "he finds in it nothing beyond a labored attempt at reducing the literary profession to a level with those of the grocer and tallow-chandler," and he concludes that most of the "eminent persons" whose cases Mr. Parton cites as illustrations must have read his plea with "profound disgust."

We do not propose to enter into the merits of Mr. Carey's case against Mr. Parton, however, nor into Mr. Carey's standard of good taste, or even of expediency. What we are going to say is about Mr. Carey's own theory of the nature of literary property, which we shall endeavor, as far as our space will allow, to give in his own words:

"The facts or ideas contained in a book constitute its body. The language in which they are conveyed to the reader constitutes the clothing of the body. For the first no copyright is allowed. Humboldt spent many years of his life in collecting facts relative to the southern portion of this continent; yet so soon as he gave them to the light they ceased to be his, and became the common property of all mankind. Captain Wilkes and his companions spent several years in exploring the Southern Ocean, and brought from there a vast amount of new facts, all of which became at once common property. Sir John Franklin made numerous expeditions to the North, during which he collected many facts of high importance, for which he had no copyright. So with Park, Burkhard, and others, who lost their lives in the exploration of Africa. Captain McClure has just accomplished the Northwest Passage, yet has he no exclusive right to the publication of the fact. So has it ever been. For thousands of years men like these—working men, abroad and at home—have been engaged in the collection of facts; and thus there has been accumulated a vast body of them, all of which have become common property, while even the names of most of the men by whom they were collected have passed away. Next to these come

the men who have been engaged in the arrangement of facts and in their comparison, with a view to deduce therefrom the laws by which the world is governed, and which constitute science. Copernicus devoted his life to the study of numerous facts, by aid of which he was at length enabled to give to the world a knowledge of the great fact that the earth revolved around the sun; but he had therein, from the moment of its publication, no more property than had the most violent of his opponents. The discovery of other laws occupied the life of Kepler, but he had no property in them. Newton spent many years of his life in the composition of his 'Principia,' yet in that he had no copyright, except in the mere clothing in which his ideas were placed before the world. The body was common property. So, too, with Bacon and Locke, Leibnitz and Descartes, Franklin, Priestley, and Davy, Quesnay, Turgot, and Adam Smith, Lamarck and Cuvier, and all other men who have aided in carrying science to the point at which it has now arrived. They have had no property in their ideas. If they labored, it was because they had a thirst for knowledge."

For the real producers of the ideas by which the race is elevated and carried forward, and its stock of knowledge increased, therefore, according to Mr. Carey, no property in these ideas is claimed or can be created.

"For what, then, is copyright given? For the clothing in which the body is produced to the world. Examine Mr. Macaulay's 'History of England' and you will find that the body is composed of what is common property. Not only have the facts been recorded by others, but the ideas, too, are derived from the works of men who have labored for the world without receiving, and frequently without the expectation of receiving, any pecuniary compensation for their labors. Mr. Macaulay has read much and carefully, and he has thus been enabled to acquire great skill in arranging and clothing his facts; but the reader of his books will find in them no contribution to positive knowledge. The works of men who make contributions of that kind are necessarily controversial and distasteful to the reader; for which reason they find few readers, and never pay their authors."

He cites in illustration, also, Webster, Prescott, Bancroft, Pitt and Fox, Sir Robert Peel, and Kent—all of whom, he says, were mere collectors and arrangers of facts and ideas produced by other men, and of which "the world at large is the owner." But here again we must quote Mr. Carey himself. The slightest deviation from his own statement would interfere with our purpose:

"The world at large is the owner of all the facts that have been collected, and of all the ideas that have been deduced from them, and *its right in them is precisely the same* that the planter has in a bale of cotton that has been raised on his plantation, and the course of proceeding *has thus far been precisely similar*; whence I am induced to infer that in both cases right has been done. When the planter hands his cotton to the spinner and weaver, he does not say, 'Take this and convert it into cloth, and keep the cloth;' but he does say, 'Spin and weave this cloth, and for so doing you shall have such an interest in the cloth as will give you a fair compensation for your labor and skill, but when that shall have been paid the cloth will be mine.' This latter is precisely what society, the owner of facts and ideas, says to the author. 'Take these raw materials that have been collected, and clothe and put them together, and clothe them after your own fashion, and for a given time we will agree that nobody else shall present them in the same dress. During that time you may exhibit them for your own profit, but at the end of that period the clothing will become common property, as the body now is. It is to the contributions of your predecessors to our common stock that you are indebted for the power to make your book, and we require you, in your turn, to contribute towards the augmentation of the stock that is to be used by your successors.' This is justice, and to grant more than this would be injustice."

We do not know who the Pennsylvania senator to whom the foregoing was addressed may have been; but if he ever received any decent drilling in the art of seeing distinctions, it must have set his teeth on edge. The reader, doubtless, imagines that even if Mr. Carey denies the character and rights of producers to historians, orators, and legal commentators, he will at least concede them to great novelists. Nothing of the kind. They, too, are mere collectors and arrangers:

"Let us turn now, for a moment, to the producers of works of fiction. Sir Walter Scott had carefully studied Scottish and Border history and thus had filled his mind with facts preserved and ideas produced by others, which he reproduced in a different form. He made no contribution to knowledge. So, too, with our own very successful Washington Irving. He drew largely upon the common stock of ideas, and dressed them up in a new and what has proved to be a most attractive form. So, again, with Mr. Dickens. Read his 'Bleak House,' and you will find that he has been a most careful observer of men and things, and has thereby been enabled to collect a great number of facts that he has dressed up in different forms; but that is all he has done. He is in the condition of a man who had entered a large garden and collected a variety of the most beautiful flowers growing therein, of which he had made a fine bouquet. The owner of the garden would naturally say to him, 'The flowers are mine, but the arrangement is yours. You cannot keep the bouquet, but you may smell it or show it for your own profit for an hour or two, but then it must come to me. If you prefer it, I am willing to pay you for your services, giving you a fair compensation for your time and taste.' This is exactly what society says to Mr. Dickens, who makes such beautiful literary bouquets. What is right in the individual cannot be wrong in the mass of individuals of which society is composed.

Nevertheless, the author objects to this, insisting that he is owner of the bouquet himself, although he has paid no wages to the man who raised the flowers."

Mr. Carey's having himself supplied the illustrations of his arguments saves those who think him mistaken a good deal of trouble, because they furnish the materials for refuting him. More than this: they furnish full justification for saying that a man of Mr. Carey's powers is inexcusable in bringing such loose thinking as we have in the pamphlet before us to bear on a question which so deeply affects the national morality as well as the national culture. We shall, to make assurance doubly sure, cite one more of them:

"The man who makes a book uses the common property of mankind, and all he furnishes is the workmanship. Society permits him to use its property, but it is on condition that, after a certain time, the whole shall become part of the common stock. To find a parallel case, let it be supposed that liberal men should, out of their earnings, place at the disposal of the people of your town stone, bricks, and lumber in quantity sufficient to find accommodation for hundreds of people that were unable to provide for themselves; next suppose that in this state of things your authorities should say to any man, or men, 'Take these materials, and procure lime in quantity sufficient to build a house; employ carpenters, bricklayers, and architects, and then, in consideration of having found the lime and the workmanship, you shall have a right to charge your own price to every person who may, for all times, desire to occupy a room in it;' would this be doing justice to the men who had given the raw materials for public use? Would it be doing justice to the community by which they had been given? Would it not, on the contrary, be the height of injustice? Unquestionably it would, and it would raise a storm that would speedily displace the men who had thus abused their trust. Their successors would then say: 'Messrs. —, our predecessors, did what they had no right to do. These materials are common property. They were given without fee or reward, with a view to benefit the whole people of our town, many of whom are badly accommodated, while others are heavily taxed for helping those who are unable to help themselves. To carry out the views of the benevolent men to whom we are indebted for all these stone, bricks, and lumber, they must remain common property. You may, if you will, convert them into a house, and, in consideration of the labor and skill required for so doing, we will grant you, during a certain time, the privilege of letting the rooms at your own price to those who desire to occupy them; but at the close of that time the building must become common property, to be disposed of as we please.' This is exactly what the community says to the gentlemen who employ themselves in converting its common property into books, and to say more would be doing great injustice."

This is the whole argument. Now, the case of society dealing with the author is not only *not* "precisely similar" to the case of the planter dealing with the manufacturer, but it is totally unlike it. The reason, and the only reason, why the planter retains a share in the cloth—or, in other words, why the manufacturer's property in the cloth is limited—is that the planter's supply of cotton is limited, and when he parts with a bale he has a bale the less in his store, and the manufacturer has a bale the more in his. When society furnishes facts and ideas, however, to book-makers, it parts with nothing. The author takes and uses, but society does not lose. As many facts and ideas remain in its possession after he has written as before he began to write. Nobody can get up and say to Macaulay or Prescott or Bancroft: "In consequence of your having drawn on the general stock of facts and ideas for your history, a number of valuable facts and ideas which before you wrote were accessible to me, are accessible no longer unless I buy your book." If any one were foolish enough to address a historian in this way, the reply would of course be: "I drew from the common stock, it is true; but in drawing I did not diminish it. As many ideas and facts remain in it as ever. They are exactly as much within your reach as ever. You can go and get them yourself, as I did, without buying my book. If you would rather not do so, or have not the skill or industry or patience to do so, you must pay me for my labor in collecting and arranging and making them comprehensible to you." We need only suggest to the reader how much more forcibly even the novelist might reply. What a stinging rebuke Mr. Dickens might give "society," if society had the impudence to justify its refusal to pay him for his bouquets by laying claim to the flowers of which it was made.

Mr. Carey's house illustration makes the case against him still stronger. When the noble-minded persons furnish the builder with bricks and lumber, they diminish perceptibly the town stock of these articles. They prevent somebody else from building a similar house. They can put on paper in dollars and cents the value of their contribution to his enterprise, or, in other words, the extent of their loss in case he refuses to share his profits with them or surrender the building to them; but to base a refusal to acknowledge the author's absolute property in his works on this or similar ground is simply absurd. It is like refusing protection to a fortune accumulated by extracting salt from sea-water by evaporation, on the ground that the ocean is the property of the human race.

Moreover, Mr. Carey, if he proves anything, proves too much. If his argument be sound, the men whom he mentions as real producers of "facts and ideas" are as much indebted to society as the mere bookmaker. Newton and Bacon and Leibnitz and Descartes were all immeasurably indebted to society. They were indebted for everything they had learnt from books or teachers, for the social training which inclined them to science, for the security and comfort in which they pursued their investigations, for the civilized sympathy and encouragement by which their labors were cheered. Hayes went to the Polar Sea, it is true, but where did he get the art of navigation, the ship he sailed in, the intelligence which executed his orders, and the hope of honor which consoled and sustained him under his hardships? What right has he to say that he, and he only, produced a "fact"? Who has brought to market any "idea" to the production of which the labors of the race have contributed nothing?

Speculations like these of Mr. Carey's, which try to refine away property in what he calls "the clothing of ideas," would, if successful, destroy all right of property in civilized society, at least for more than a limited period, the length of which would have to be fixed with reference to the danger of putting an end to production altogether. When a man makes a fortune in trade, it is hard to say in what proportions he and society have contributed to the result. He furnishes the sagacity and the foresight and the industry and the self-denial, but society furnished him with the training which fostered and developed these qualities, furnished him with security, with transportation, with the post-office, with certainty as to the future, and so on. What would be thought if it were to step in and say that in consideration of all this he must at the end of forty years surrender his wealth to found an almshouse or establish a public library? And yet this is substantially what society says to the author.

What makes literary property so obfuscating in its effects on many minds is not any peculiarity in it, but in the means by which society has to provide for its protection. No property can be said to be absolute. Society has and exercises the right of prescribing the conditions on which it will protect any property whatever, and these conditions are usually framed with reference not simply to the immediate but to the remote good of the community at large. But all property, except literary property and inventions, can be and is protected by simply affording the owner security. Literary property, on the contrary, requires for its protection that society shall bestow a monopoly on the author. The proprietor of lands, houses, or diamonds has all he requires if he has police placed round one or two fences, or, if worst comes to the worst, he can assemble his friends, arm them, and hold his possessions with the strong hand. But the writer of books is utterly helpless unless the government guarantees that within its jurisdiction nobody but he shall for a definite or indefinite period have the right of selling a certain article. This peculiarity of his position naturally causes a harder bargain to be driven with him than with other proprietors. Literary property differs from other property not, as Mr. Carey and Mr. Merriam suppose, in its nature, but in the demand it makes on the community. There is nothing, we affirm without hesitation, in its nature to justify the present practice of taking it away from the owner at the end of forty years, and distributing it amongst the public—which is what is really done when a "copyright expires"—any more than there is anything in the nature of real estate or in bank stocks to justify their seizure at the death of the owner, and appropriation to the endowment of a college or almshouse.

When one remembers that it was only in Lord Mansfield's day that the usages of trade and commerce began to be recognized by the courts and incorporated in the common law, one cannot help believing that we shall see even in our time a similar revolution, not simply in the feelings and opinions of society, but in the legislation of all civilized communities with regard to the vast and novel species of property which the diffusion of education and the improvement in the art of printing and in the means of communication have been creating within the last fifty years. The practice of refusing to protect authors and inventors in the products of their labor for more than a brief period will disappear before the growth of sounder and more enlightened juristic ideas, and society will come to see that when it takes away a copyright for public use, it ought not to take it, any more than houses or lands, "without just compensation."

ENGLAND.

LONDON, January 30, 1868.

THIS season of the year is favorable to the discussion of questions which will before long occupy the attention of our legislators. We resolve ourselves, as it were, into a committee of the whole nation, and indulge in a very rambling series of controversies. The particular topic which at pre-

sent looms the largest is that of education. Behind it, and in many respects closely connected with it, lies the even more difficult problem of pauperism. An excellent London clergyman—Mr. Rogers—wrote to the *Times* the other day to declare that the only way of stemming the advancing tide of pauperism was by thoroughly educating the people. On the other hand, the Bishop of Oxford, in one of his flippant humors, has just made a speech pointing out the obvious fact that pauperism is the great difficulty in the way of education. The meeting of reformers at Manchester proposed that education should be compulsory, and the expenses paid by local rates. Excellent! says the bishop; but how are you to force an agricultural laborer with a family of half a dozen children and ten shillings a week to send his eldest boy to school instead of sending him to pick up a shilling or two by field-work to eke out the family finances? And how are you to squeeze rates enough for school-building out of a parish when half the rate-payers are on the brink of pauperism? These are practical difficulties which demand, and, I doubt not, will receive an answer; for I am somehow persuaded that, when a bishop declares a thing to be impracticable or impious, it is generally on the verge of accomplishment, and we are not yet so poor but that we can manage to build schools and pay for schoolmasters, however the charge is to be distributed.

I only mention this, however, to point the obvious moral of the connection between ignorance and poverty. There is the fatal circle, that when people are on the brink of starvation they have no spare energy to give to learning, and that when they are grossly ignorant they have not the foresight and intelligence to rise out of their slough of misery. The same truth is receiving a rather different application at the East End of London. The accounts of the miserable position of the laboring population at Poplar and the Isle of Dogs, and other amphibious districts below the port of London, have been something heart-rending. As a natural consequence, a vast stream of charitable contributions has been poured into the district. Unluckily, the money has been distributed amongst a number of associations, with no particular guarantee for its judicious application. Some of the funds are distributed with an eye to doing a little religious conversion. A man gets his loaf or his shilling if he attends a lecture on the evils of Popery. And there has till the present moment been no proper attempt at establishing a mutual understanding amongst the administrators of the different funds, or between them and the poor-law officers. I hope that things are now being put on a rational footing. Meanwhile, the evil has resulted that the most independent amongst the poor have been left to starve, whilst the idle and profligate have gone round to the different charitable funds and obtained better pay than they could earn by labor. The report of a delightful district, where the fountains of charity were running with unusual freedom, has spread amongst the begging classes generally. They have naturally gravitated towards the East End to put in a claim for the good things that were going. Thus around the nucleus of honest men who were starving there has grown up a mass of chronic pauperism pressing upon the poor-rates, and hiding the genuine distress from public notice. To deal with this is difficult enough; but the real sufferers are not altogether free from another imputation. A great meeting of artisans was held the other day to consider the difficulties of their position. The primary cause of the distress seems to be that the ship-building trade has deserted the port of London for other districts where labor and materials are cheaper. For example, it has been improving on the Clyde whilst falling into decay on the Thames. Meanwhile, between the workmen and their masters there rages one of those disputes of which an outsider can never come at the truth. The masters declare that they are ready to begin ship-building to-morrow if only the laborers would accept lower wages. The shipwrights, they say, consider it a law of nature that they should receive 7s. a day; sooner than put up with 6s. 6d., they will starve or live upon charity. It was said at the meeting that the destitution of the men should induce them to accept a lower rate of wages. "No," exclaimed a workman of defective logical powers, "if we are poor, that's the more reason our wages should be 'rose'!" It is obvious that these men, who have been in the receipt of excellent wages when in employment, have not found time to study some of the first principles of political economy. It is right to say that there is, I believe, another side to the question, and that the men have at least some substantial grievances to complain of. Meanwhile, there is an obvious difficulty about helping men who will not recognize the fact that it is better to take sixpence a day less wages than to come upon the parish. In other words, want of intelligence would seem in this case to have a very direct influence in favoring pauperism.

The efforts that were made last session towards removing one of the evils to which paupers are liable have not hitherto borne much fruit. In the intervals of the Reform battles, Mr. Hardy succeeded in carrying a bill

for establishing decent hospitals in place of the sick wards at workhouses, whose gross mismanagement had been exposed in the newspapers. The bill was one of those patchwork bits of legislation to which we are only too well accustomed, especially in the midst of exciting party struggles upon other matters. The plan which was carried, and for which Mr. Hardy received great credit even from his political opponents, was at best a mere instalment of reform. It was a more vital defect that it depended for efficiency upon the co-operation of the parochial authorities. In some parts of London they have simply taken up an attitude of dogged resistance. The rates, they say, are quite high enough already. They won't raise any more money to build hospitals or for any other purpose. If they increase the taxation, they will only drive more people over the brink of pauperism, and, in short, be cutting off one end of the blanket to mend the other. They will probably agitate for equalizing the metropolitan rates. If all the rich people live at one end of London and all the poor at the other, it is hardly fair that each district should keep its own pauperism. The metropolis forms one organic whole, and taxation should be equally distributed throughout. But when this question is thoroughly opened it will be but one step towards overhauling the whole theory and system of the poor-laws. But I need not anticipate a discussion which will probably come up before long on a larger scale.

A discussion very directly connected with this topic has lately taken place in the newspapers. Mr. Fawcett, the blind member for Brighton, and professor of political economy in the University of Cambridge, made a speech advocating a change in the law of real property. He proposed that in cases of intestacy landed estates should be equally divided amongst the children, instead of going to the eldest son. He admitted that the direct influence of the change would be trifling, as of course a landed estate is very seldom, if ever, left to the disposal of the law. He maintained, however, that it might gradually influence public opinion, as the onus of an unequal distribution would be left to individual proprietors. All the orthodox opened fire upon him with dire indignation. They plunged into the intricacies of the law of entail and settlement to prove that, as a matter of fact, the English law did not favor the accumulation of landed property nor prevent an estate from being broken up. I cannot follow them into the technical difficulties, but can only say *credat Judæus!* There can be little doubt that in practice the landholders who have made our laws have favored the unequal distribution, which suits their prejudices, although it is also true that there is much popular exaggeration as to the stringency of the laws in this direction. Secondly, Mr. Fawcett's opponents declared that the accumulation of land was a natural and inevitable result of civilization—rather a bold assertion in the face of Prussia and France, to say nothing of the more exceptional circumstances of the United States. They declared that the utmost possible facilities for the sale of landed property would only give greater facilities for this accumulation, instead of tending to establish a class of small proprietors. This is a question which can only be answered by experience, and there is no doubt that the accumulation is a result of certain social prejudices and customs which could not be uprooted by any simple act of legislation. We are far removed from any period at which small proprietors will be anything but a rare exception in England, and a great change must take place in public sentiment before any serious attempt is made to realize such a state of things. But the change may be approaching more quickly than is generally supposed.

A curious instance of a rapid change of opinion is afforded by the condition of the female franchise question. Two members of Parliament addressed their constituents in favor of female voting a short time ago. The possibility of a speedy alteration of the law is increased by an odd accident. The other day a woman was accidentally put upon the register at Manchester, and recorded her vote in favor of Mr. Jacob Bright (Mr. John Bright's brother). If an attempt should be made to strike her name off, the question of law will be argued. The Reform bill, it is true, gives the right of voting to men only; but there is an act of Parliament declaring in the most positive terms that "man" shall be taken in all cases, where the contrary is not expressly enacted, to include women. Mr. Denman made this remark on the occasion of Mr. Mill's motion last session, and was ridiculed by his hearers. Further consideration, however, has convinced many lawyers that he was in the right. It is, of course, possible that an act may be introduced this session to declare the exclusion of women, but it is doubtful whether it would pass; it is much more difficult to turn women out of doors than to prevent them from entering; and it is not improbable that this accidental circumstance will enable them to acquire the franchise at once. Of course, the effect of the measure would be limited; for it would only apply to women who are householders. Mr. Disraeli, as I have been told on good authority, has declared that he will never vote for the exclu-

sion of women; and before the division of last session he walked out of the House.

I ought to notice a discussion which has taken place in the *Times* and elsewhere with regard to the termination of Mr. Seward's correspondence with Lord Stanley. I will not express any opinion upon the matter myself, for I am quite incompetent to do so. I think it right, however, to tell you what is at present the prevailing opinion. Most Englishmen believe, rightly or wrongly, that Lord Stanley has gone as far as is possible, and that it would be utterly impossible to submit to arbitration the question of whether we were or were not justified in recognizing the belligerency of the Southern States. They hold further that Mr. Seward was not really seeking for a settlement of the question; but that, whatever concessions we had made, he would have found some pretext for keeping it open. There is, of course, a minority in favor of the concession demanded, but the present impression is undoubtedly that which I have described. I am, of course, quite unable to guess what it may be six months hence.

Mr. Hepworth Dixon has published a book called "Spiritual Wives," which is a kind of appendix to "New America." I have only glanced at it, but the general opinion is that it is marked by the same faults of flippancy and bookmaking as his former production, and has, in addition, the worse defect of being grossly and wantonly indecent. It will, therefore, probably command a large sale.

Correspondence.

THE SUPREME COURT AND CONGRESS.

TO THE EDITOR OF THE NATION:

SIR: The articles in the *Nation* on the Supreme Court bill seem to me to fail to meet the true point. It seems to me that the relation of the bill to reconstruction, and cases to arise out of reconstruction, is the *sole view* in which the worth and propriety of the measure are considered by you. The question, to my mind, would present the same aspect if every State were reconstructed and in the Union which it now does. It is this: Is there not a sound and just reason why cases the decision of which, in favor of one party or the other, involves a decision that an act of Congress is unconstitutional, should require a greater preponderance of the judicial opinion of the court than where mere questions involving private right alone are concerned? I believe that they should, and the reason seems very obvious. Ordinary cases involve only the matter in controversy between the respective parties to the suit; but a decision which determines a law to be unconstitutional involves all others whose rights are based under the same act. Take, for instance, the act to authorize sales of land for taxes in Southern States. A suit in which that law should be adjudged unconstitutional would avoid every title held under the law, and render it worthless in the market.

A decision by the Supreme Court which pronounces any act of Congress unconstitutional is widespread in its consequences. It affects values and interests not before the court, and affects them directly and immediately.

It seems to me that decisions so important as these, and of so extended an influence, and having the effect to nullify an act of the legislature, may well be required to be supported by something more than the bare majority of the court, and it would be a just and right provision to require for such decisions that they should receive a vote of at least two-thirds of the court.

Ordinary cases decide nothing but the bare point in issue between the parties; and even where principles reaching beyond the case are uttered, they are, in fact, mere *obiter dicta*, and not binding on the subordinate district courts; but a decision by the Supreme Court in any case that any act of Congress was unconstitutional, would have the effect *instantly* to render the law a nullity all over the land. Under these circumstances, it seems to me that the soundest reason and most judicious policy would dictate that the difference in the number of votes required by the act, where an act of Congress is to be affected by the decision, should be established.

Your obedient servant,

E. C. L.

CHICAGO, Feb. 8, 1868.

[The case put by our correspondent and many others like it *might* arise; but in legislating on matters of this sort probabilities rather than possibilities have to be considered. Taking into consideration the nature of the two bodies, we believe Congress is far more likely to legislate improperly than the Supreme Court to decide improperly. The history of the Government, as we have endeavored to show else-

where, proves that it is. We venture to assert that Congress, legislating without the control of the Constitution, would unsettle more titles, impair the obligation of more contracts, and diffuse more alarm amongst property-holders in twenty years than the Supreme Court in a century. The best way of ensuring the solemn and mature consideration of important questions, such as the constitutionality of legislation, is, it seems to us, the way in which most of the questions of English law have been settled for centuries—by repeated arguments before the whole court. For whatever we cannot secure in this way, we must trust to the character of the judges. If nine men cannot be selected from the whole bar of the United States for seats on the bench of the court, whose character can be so trusted on the whole, and making due allowance for human infirmities, then not only the American Government but American society is a failure. We have, however, not reached this conclusion, and, until we do, shall oppose the subjection of the court to the majority of either Senate or House of Representatives.—ED. NATION.]

MR. BAGEHOT'S VIEW OF THE EXECUTIVE.

TO THE EDITOR OF THE NATION:

In the instructive article upon the Executive in the *Nation* for Jan. 25, Mr. Bagehot's view is said to be "absolutely novel in this country." It may not be amiss to say that this subject was discussed from almost precisely his point of view in an article on "The American Executive" in the *Christian Examiner* for March, 1866. The ground there taken is that, if our system suffers from rigidity and routine, the English system is quite as defective by reason of its lack of regularity; and the *Trent* case is adduced, as by your correspondent, to illustrate precisely the point he does—the advantage we may have on occasion in the impossibility of changing the Executive suddenly. It is maintained, however, that on the whole our system would be improved by some infusion of the elasticity of the English form of government; and it is suggested that this might be attained by giving up the method of electing the President for definite terms—let the House of Representatives, or Congress, by joint resolution, once a year, and no oftener, have the power to order an election. If the House should be in harmony with the Executive, this right would not be exercised; if the election should be ordered, the country might sustain the President. At any rate, we should change our Executive just when we wished, which at present we have no power of doing; and the degree of irregularity and elasticity thus obtained would not, it is thought, take away from the workings of our institutions any but that excessive regularity in procedure which, it is easy to see, degenerates in practice into an absurd formality and rigidity.

MARCEL.

THE LATE PETER FOROE.

TO THE EDITOR OF THE NATION:

In the number of the *Nation* just received, you characterize the late Peter Foroe as "a book collector" who "once—in John Quincy Adams's administration—published a political paper, and, before that time, 'The National Calendar,' a serial statistical work."

The phrase "book collector" is incomplete and therefore inaccurate when applied to one who collected books as implements for the prosecution of his studies.

If it was not worth while to name his minor historical publications, at least it would not have been out of place to mention the chief labor of his life—the "American Archives"—a work referred to with grateful acknowledgments by every recent writer upon American history.

You would hardly give a fit account of Mr. Bancroft if you should define him as "a book collector who once taught school at Round Hill."

Very respectfully,

M. F. FOROE.

CINCINNATI, February 8, 1868.

Notes.

LITERARY.

MESSRS. CHARLES SCRIBNER & Co. have succeeded in persuading Mr. Robert Bonner to allow the publication, in book form, of Mr. H. W. Beecher's novel of "Norwood." We do not know that Mr. Bonner has ever before broken his rule of having no part of the *Ledger* republished.—Mr. James Miller has in preparation a new edition of Beckford's "Vathek." It was a happy thought to add the "sublime tale" to the little library so well

begun with "Undine" and "Sintram and his Companions."—The National Publishing Company of Philadelphia, Cincinnati, Richmond, and Atlanta will publish, in two volumes, Alexander H. Stephens's politico-philosophico-historical book. Its title is as follows: "A Constitutional View of the Late War between the States; its Causes, Character, Conduct, and Results. Presented in a series of Colloquies, at Liberty Hall."

—Mr. Stephens's book, the title of which we have just given in full, will no doubt be interesting. From the few pages of it that we have seen we conclude that it may very likely become the political bible of all that class of American politicians who think that the war made by the late Slave States upon the Free States was made on account of a difference of opinion as regards the sovereignty of States in the Union, and that slavery was but the question on which two opposing principles, consolidation and federation, came into collision on the battle-field. That it will be a clear and valuable statement of the State Rights doctrine appears also to be evident from the few pages that we have seen. It seems a pity that the author should needlessly make a true doctrinaire's mistake at the very outset, and set his readers laughing by calmly denying that slavery was at all a cause of our late war. As if—whatever may happen in the future—anything else than slavery could at that time or previously have put dangerous life into the State Sovereignty theory. Mr. Stephens feigns that three representative men—with the pseudonyms of Judge Bynum, of Massachusetts; Professor Norton, of Connecticut; and Major Heister, of Pennsylvania—meet together at Liberty Hall, and, conversing together, make an enquiry into the nature of the Government of the United States, "or the nature of that Union which exists between the States under the Constitution" (unamended, we presume), "with the cause or conflict of principles which led to a resort to arms." Secondly, they discuss "the conduct of the war on both sides so far as it affected constitutional principles, with its final results upon the organic structure of the entire system of American democratic free institutions." Judge Bynum is the representative of the Radical wing of the Republican party, Professor Norton of the Conservative Republicans, and Major Heister is supposed to be a War Democrat. The proprietor of Liberty Hall, we suppose, represents the party of decentralization. As regards typography, the new volumes will be very good. The paper, if the pages before us are a sample of what is to be used in the completed work, will be too thin, though fine and white.

—A correspondent at Marquette, Michigan, sends us some proofs that Messrs. Clarke & Bowron, publishers in Chicago, are practising on the reading public, at our expense, a deception like that one of which the Boston *Nation* was the other day proved guilty. They send to the Chicago *Evening Journal* what purports to be an extract from a notice in this journal of two books by a Dr. Thomas Clarke. It reads as follows:

"We have seen two books written by Thomas Clarke, of Chicago, namely, 'The Two Angels' and 'Sir Copp,' and we must say that they are extremely good, and we shall look with interest for the other works promised by the same author, as we wish to see literature advanced and fostered in the great West."—*N. Y. Nation*.

We do wish to see literature advanced and fostered in the great West, though we never made that patronizing remark. But Messrs. Clarke & Bowron are not doing anything in the way of advancing or fostering it. And the cause of virtue and religion, which the *Advance* thinks subserved by Dr. Clarke's poems, certainly owes as little to his advertisements as the cause of literature owes to his books. This is what we really said of the two specimens of his work which we had seen:

Messrs. Clark & Bowron, of Chicago, announce that they will publish in quick succession twelve volumes—or what we take to be twelve volumes—in prose and verse, from the pen of Thomas Clarke. Dr. Clarke is a British gentleman who woos the muse in Chicago. Some of his poems are already in their sixth edition. The publishers say that all the works of Professor Clarke, which they are going to publish in the fall, "are of the deepest interest and the highest order of merit." These are their titles: "The Battle, and Other Poems, Patriotic and Humorous;" "Demetrius; or, The Conspirators: A Tragedy in five acts;" "The Aminta: A Sylvan Drama, translated from the Italian of Torquato Tasso;" "Miscellaneous Poems;" "A Pastoral, and Other Poems" (reprinted from the London edition); "Donna Rosa and the Silent Village" (reprinted); "A Day in May" (reprinted). All these are in verse; we have seen none of them, but we take the risk of saying that they are not extremely good. Two poems of Mr. Clarke's we have seen, namely, "The Two Angels" and "Sir Copp," which means "Sir Copperhead." As we have passed what may seem an unfavorable judgment on these works, it is fair to say that the publishers have information that "no book since the days of Hudibras has produced so great a sensation as 'Sir Copp.'" The forthcoming prose works by the same author are "Philip Thornton; or, The Adventurers;" "Life in the West;" "The New Sentimental Journey;" "Lectures and Essays," and "Miscellaneous Pieces."

—Mr. Laughton Osborn, who has recently published two tragedies and two comedies, and who is commonly thought to be a new American author, is, in fact, an author who was pretty well known twenty years ago and more. He wrote "The Vision of Rubeta," which Poe called the best of all satires then published in America. But Poe's criticisms one cannot depend upon. He was able to see "the thing as it is," and he certainly was not wanting in acuteness and courage; also he had more knowledge than almost anybody who in his day professed to be a critic. But although an intellectually truthful man he was morally untruthful, and in his critical writings habitually gratified his personal animosities and indulged his whims instead of expressing with candor and calmness the opinions which he really entertained. It is altogether probable that he knew very well how much Mr. Lowell's "Fable for Critics" was superior to "The Vision of Rubeta." The two works just mentioned and Halleck's trivial "Croaker" and Trumbull's "McFingal" were then almost our only satirical works in verse. Since then all these have been cast into shadow by Lowell's "Biglow Papers," and, in fact, only Lowell's "Biglow Papers" and "Fable for Critics" can now be said to exist as American satirical poetry. Still, as a part of the literature of the country, it is necessary to take account of Trumbull's "McFingal," if not of Mr. Osborn's book. It is, therefore, not uninteresting to learn the origin of "McFingal." A descendant of the poet, the Honorable J. Hammond Trumbull, of the Connecticut Historical Society, has discovered that the germ of the poem is to be found in a burlesque, in verse, of that proclamation of General Gage's, issued on the 12th of June, 1775, in which he proscribed Hancock and Samuel Adams, and extended a free pardon to all infatuated Massachusetts men except the two great leaders and their abettors and adherents. The burlesque, which at once became popular, was published in the Hartford *Courant* on the 7th and again on the 14th of August, 1775. The Honorable Mr. Trumbull now first makes it known that his ancestor wrote the squib in question and that fifty of its two hundred and sixteen lines were transferred by the author to his later poem of "McFingal." The fact has hitherto escaped the notice of all gleaners of Revolutionary newspapers, and has never been observed by editors of "McFingal." As not very many people now undertake the perusal of our earliest satire, we give a sample of its force. We give also the corresponding lines of the burlesque and the original of both:

"By Thomas Gage, whom British frenzy
Stilled Honourable and Excellency,
O'er Massachusetts sent to stand here
Vice Admiral and Chief Commander,
Whose Power Gubernatorial still
Extends as far as Bunker-Hill,
Whose Admiralty reaches clever
Full half a mile up Mystic River.
Let ev'ry Clime and ev'ry Nation
Attend once more
A PROCLAMATION."

McFingal says:

"Tho' Gage, whom proclamations call
Your Gov'nor and Vice Admiral,
Whose power gubernatorial still
Extends as far as Bunker's Hill,
Whose admiralty reaches clever
Near half a mile up Mystic River," etc.

McFINGAL.—Canto 2.

Gage was at that time shut up in Boston though, and was governor and admiral of little or nothing. His proclamation is thus prefaced:

By his Excellency the Honourable THOMAS GAGE, Esquire, Governor and Commander-in-Chief in and over His Majesty's Province of MASSACHUSETTS BAY, and Vice-Admiral of the same.

The Honorable Mr. Trumbull very well makes out his case.

—The earliest of the satirists of whom we have been speaking was truly what is called a phenomenon of precocious intellectual development. From a manuscript authority his descendant—whose article may be found in the *Historical Magazine* of last month—has made some additions to his ancestor's biography, from which we take these facts: At the age of two years, that is in 1752, he began his primer; in six months he had learned to read. Before that he knew by heart all the primer verses and Watts's "Children's Hymns." Before he was four years old he had read all the Bible, and it is related of him that at this same period, having begun to make verses, he cried because he feared he never should be able to write poetry as good as Dr. Watts. At five years of age he made attempts to write down, in print, his own poems—"large hugeous letters," says President Stiles, for he had not learned copyhand. At six he began without his father's knowledge to learn Latin, and at seven years and six months old he was admitted on examination to Yale College. He then knew the four Gospels in Greek and in Latin, had read Corderius, twelve of Cicero's orations, and the eclogues and "Æneid" of Virgil—a "fit" in the classics which would take a young man into most American colleges of the present day. His father was, however,

judicious enough to take the boy home again, and he was not a matriculated student at Yale till he was between thirteen and fourteen years of age. At twenty-one he was a tutor there. "McFingal" was finished when he was thirty-two years old, he having previously—at the age of twenty-three—been admitted to the bar in Connecticut; studied one year—a part of his twenty-fourth and twenty-fifth—in the office of John Adams, in Boston, and written many articles in the newspapers, none of them without some small cleverness, but none of them nearly so good as his Hudibrastic "McFingal," some few lines of which, having gone into the books of familiar quotations, will keep his name alive, and be attributed, when quoted, to Butler.

—Not impossibly, not improbably even, when Mr. Matthew Arnold's desired chair of Celtic literature is set up in Oxford or Cambridge, some future O'Curry may discover in the mass of Welsh and Irish manuscripts some valuable information now unknown in regard to probable voyages, made no one knows how long before Columbus, between the British Islands and the shores of this continent. Then the Prince Madoc ap Owen Gwyneth and his Floridian expedition may perhaps be rescued wholly from the realm of fable. Humboldt seriously entertained such a hope, and after what has lately been made current information in regard to the extent of Celtic literary remains it seems a hope not unreasonable. Of knowledge already gathered together in regard to pre-Columbian voyages to America we suppose Professor Rafn's "*Antiquitates Americanae*" to be the best repository. Referring to it in the last *Historical Magazine*, Mr. J. Carson Brevoort, of the Long Island Historical Society, quotes from it two passages, of which, as it seems to him, Professor Rafn had not perceived the full significance as bearing on earliest American history. To Mr. Brevoort they seem to give not proof but certainly some ground for supposing that traders from Europe had visited this continent before even the first Scandinavian voyager of whom we have accounts. One of the passages referred to is from the *Heimskringla* (Rafn, p. 191). It relates how Leif, the bishop, was sent by King Olaf to Greenland, and that he went also to Vineland (*Vinlandia Bona*), "which is generally conceded to be New England," Mr. Brevoort asserts. Somewhere in his journey, but the *Heimskringla* does not say where, whether near Vineland or east of Greenland, the bishop found men in the open sea floating on the planks of their wrecked vessel. In the other of the two passages (Rafn, pp. 290-3) we have a fragment of a manuscript which is conjectured to have been written about two hundred years after the date of the *Heimskringla*. It speaks of Leif's rescue of the shipwrecked men. "Leifus," it says, "fortunatus dictus, primus Vinlandiam inventit, in quo etiam itinere mercatores oceani periculis vexatos, reperit." The mariners are here called merchants, and Leif is said to have picked them up while making the voyage in which he discovered Vineland. So, if we could be surer about the age of this manuscript, and knew whether Leif found the shipwrecked men in the early or latter part of his voyage, and whether or not an easterly storm blew them to the place where he found them; and were more certain that Vinlandia was New England, and knew whether the writer of the manuscript was talking carefully or inaccurately—making, by conjecture, the *homines* of the *Heimskringla* into *mercatores*—we might hazard the guess that before the year 1000 European merchants visited the shores of this continent. As Mr. Brevoort says, it would as yet be rash to do more than make the guess.

BADEAU'S GRANT.*

THE official Army Register for 1867, bearing date the 1st of August, 1867, shows that Adam Badeau was at that date a first lieutenant in the Fourth Regiment of infantry, and an aide-de-camp, with the rank of colonel. He holds his staff rank under the act of July 25, 1866, which provides that the General of the Armies of the United States may select from the line of the army, for service upon his staff, such number of aids, not exceeding six, as he may judge proper, who, during the term of such staff service, shall each have the rank, pay, and emoluments of a colonel of cavalry. The difference between the rank, pay, and emoluments of a lieutenant of infantry and those of a colonel of cavalry is very great, and the difference in the general beatitude of the two positions of subaltern in a marching regiment and officer at general headquarters can hardly be less. The world knows very little of the *vie intime* of General Grant's military family; but it has long been evident that the General had a strong partiality for Colonel Badeau, or set a high estimate upon his capacity. The publication of this

history furnishes another proof of the General's sagacity in the choice of men. He proved long ago that he knew how to select soldiers able to win whatever game of strategy or perform whatever feat of arms the occasion might require. It now appears that he is equally fortunate in his selection of a person to render him service with the pen.

Colonel Badeau's book is very much such a one as General Grant, from the little we know of him, may be supposed to be best pleased to have written about him. A good deal has long been known about him as a soldier, and this book tells more than was known before; but, as a man, he is seen hardly more distinctly than a mist-wrapped god on the plains before windy Troy. Who shall say whether he wishes to be President, whether he is ambitious, whether he is elated by his successes, whether he traces them altogether to his own merit or thinks that he has owed much to fortune? Who has been able to say with confidence more than that, with Grant for our leader, we saw a great and terrible struggle brought to a triumphant close? The interest of the book before us is to be found mainly in the light which it throws on the unsettled question of Grant's soldierly ability, the question how far his brilliant successes were traceable directly to his personal influence, the qualities of his mind and character. It is not an interesting book, in the popular sense of the term. It is written in good, plain English, but not with the finish of the practised writer, or any positive charm of style. It is a plain, unvarnished tale, and one who reads for amusement mainly will do far better to turn to the storied page of Swinton. It depends for its interest and its value upon its supply of authentic information, and the supply is so abundant, and so much of the information is original, that it has a great deal of both. The author has had access to the telegraphic and written correspondence of the armies, and to all papers under the control of the War Department, including the original reports made by the rebel generals of every battle but two which he describes, and the original rebel field returns. He has also had the advantage of examining Grant's correspondence, both private and official, and of daily conversation, for three years and more, with the General and the officers who accompanied him in his earlier campaigns. From such material he has made up this volume, which brings the narrative down to the 9th of March, 1864, when Grant was made Lieutenant-General, and assumed command of all the armies of the United States. He says in his preface: "I have not meant to state one fact unless it came under my own personal observation, or has been told me by the General of the army, or one of his important officers, or unless I know it from official papers."

With excellent good taste, the author passes rapidly over so much of Grant's life as preceded the fall of Fort Sumter and his entry into the military service of the United States, finding a couple of pages sufficient for telling the whole. The five hundred and fifty or more pages which follow, and make up the main portion of the book, contain the story of the battle of Belmont, the fall of Fort Henry, the capture of Fort Donelson, the battle of Shiloh, the campaign and siege of Vicksburg, including the various attempts to approach the city by means of canals and bayous, the running of the batteries, the battles of Port Gibson, Raymond, Jackson, Champion Hills, and Black River Bridge, the final opening of the Mississippi River, and a full account of the manner in which the siege of Chattanooga was raised, and the brilliant victory gained over the army of Bragg. The last hundred pages of the book are made up of letters, despatches, orders, and reports, and are of great interest and value.

As a military history of the first three years of the war, so far as Grant was connected with it, this book is very satisfactory. It follows the chronological order of events, and it is a good, plain, intelligible, straightforward account. Its effect, as a whole, upon thinking men can hardly be other than to raise their estimate of Grant's ability as a soldier. His energy and pertinacity are universally acknowledged already, but this book shows him a thoughtful, painstaking, provident commander, making his preparations with the utmost care, and reducing the influence of chance to the lowest possible point. It also shows—particularly in the account of the siege of Fort Donelson and the battle of Shiloh—that he possesses higher qualities as a fighter of battles than those who know him mainly from the campaign of 1866 have been disposed to accord to him. It seems to prove that he was among the first to grasp the true idea of the war of the rebellion—that the Southern armies were the real objective points. It claims for Grant that he was the original projector of Sherman's great movements in the last year of the war; but there is much to be said in opposition to this claim, and it should be admitted, if at all, only after a careful scrutiny of the evidence on each side of the question.

The attention of the reader is not kept alive to any great extent by picturesque description, but some interesting anecdotes are introduced, and not only is the book far from dull, but it is creditably free from bathos and ex-

* "Military History of Ulysses S. Grant, from April, 1861, to April, 1865. By Adam Badeau, Colonel and Aide-de-Camp to the General-in-Chief. Brevet Brigadier-General U. S. Army. Vol. I." New York: D. Appleton & Co. 1868.

travagance. It is true, however, that the author permits himself to declare (p. 551) that, at Knoxville, "many of the troops stood in line with only a blanket to cover their nakedness," and once, in the space of three lines, the Southern armies appear as "the rebel lion," and "the snake, if scotched, not killed." But the newspaper correspondent asserts himself most singularly in the statement, impossible to prove, but equally impossible to disprove, that at Missionary Ridge, "fierce jets of flame, like those once seen on Sinai, seemed to issue from the mountain side." It is difficult also to conjecture for what class of readers the information contained in the following note was considered necessary. The text is, "At the outbreak of the rebellion Grant was not an abolitionist." The note is, "Those in favor of the abolition of slavery had long been known as abolitionists." But though such opportunities for criticism occasionally present themselves, the defects of the author's style are not numerous or serious.

The close personal relations which Colonel Badeau has long sustained to General Grant give a peculiar significance to the judgments which he pronounces upon the character and capacity of the prominent soldiers of the late war. It is true that he says in his preface that his opinions have not been submitted to General Grant, and that for them he alone is responsible. Whether he here refers to his opinions upon both events and on men, or on events alone, is not clear; but, supposing the statement to apply as much to the one as to the other, it is difficult to believe that the opinions of the favored aid of the General of the Armies of the United States about other general officers can be far different from those entertained by the General himself. Such difference as there might be would probably be in the direction of exaggeration, for the inferior is not likely to have the complete knowledge of the superior, nor the magnanimity which, in Grant's case, seems to attend his profound skill in judging of men, and the enthusiasm of the follower for his great chief may lead him too far. For this tendency allowance should be made in deciding how far to take the judgments of men which Colonel Badeau expresses for those which the General holds.

The subject of the present volume does not lead to the frequent mention of the campaigns and commanders of the Army of the Potomac, but the author seems to know but little of the former and to think but little of the latter, of all of whom his mention is either slight or slighting. He speaks of Antietam as a positive victory with only negative results, a description which is as nearly as possible exactly wrong. Regarded by itself, it came very close to being a drawn battle. Its military importance lay mainly in the facts that it gave a complete check to a series of brilliant offensive movements made by Lee, and that any result to an engagement short of victory is tantamount to a defeat to an invading army. Strange as the statement may appear, the author speaks of Fredericksburg and Chancellorsville as if he thought they were victories for the Union armies. In his brief mention of the battle of Gettysburg, he loses sight at once of the facts and of the great principle of the war that he has before praised Grant for discerning and adopting, namely, that only when the rebel armies were either subdued or annihilated would the rebellion end. He says that in the January succeeding Gettysburg "the rebel chief, with undiminished legions and audacity, still lay closer to the national capital than to Richmond." We believe, on the other hand, that the magnificent army which Lee commanded from the moment when Johnston was struck down under the persimmon tree near Seven Pines till the surrender of Appomattox Court House was never the same after he pitched his tents on Seminary Ridge. In those "three long summer days" near Gettysburg Lee lost near thirty thousand men, a number said to exceed the aggregate of the losses of his army in the whole series of battles which Grant delivered from the Rapidan to the James River, and, considering the quality of the "matchless infantry," who did and suffered the most on the Southern side, the loss was irreparable. It was Grant's good fortune to capture Vicksburg and Richmond, to cause vast bodies of troops to lay down their arms, to open the Mississippi River, and to end the war, but he never inflicted a defeat upon the enemy in the field which even approached in severity the heaviness of the blow dealt by the Army of the Potomac and General Meade to the Army of Northern Virginia and General Lee at Gettysburg.

The incapacity of General Halleck, whether as a general commanding an army in the field or directing operation from headquarters is now generally admitted, but the doubters and the curious will find in this book much to enable them to make up their minds and to satisfy their curiosity. The most extraordinary piece of new information which we notice is the statement that when Halleck was made General-in-Chief, in July, 1862, he offered the command of the Army of the Tennessee not to Grant, his second in command, who had already taken Fort Donelson and fought the battle of Shiloh, but to a quartermaster named Allen. Colonel Badeau admits, however, with entire frankness, that the unpleasantnesses, interfer-

ences, and reprimands which characterized Halleck's treatment of Grant to a very considerable extent in the first two years of the war entirely disappeared afterwards, and that Halleck proved himself a zealous co-operator with the rising soldier, and a candid admirer of his successes.

The story of the rise and fall of the military fortunes of McClelland is fully told in this volume, and it furnishes an interesting and instructive exposition of some of the peculiar difficulties which attend the carrying on of war in republican countries, where the politician becomes a general because he is a politician and without ceasing to be a politician. No candid man, who reads this book, will be likely to pay much attention to any political opposition which McClelland may hereafter make to Grant.

The author finds no kind word to say of Buell, and he seldom mentions Rosecrans except to blame him, or to call him inactive, obstinate, or insubordinate. In fact, the author's indisposition to make cordial mention of officers outside what may be called the family party, composed of Grant, Sherman, McPherson, and Sheridan, is an unsatisfactory feature of the book. His favorable attention is concentrated upon Grant and his especial lieutenants, and all others, especially those who may be regarded as in the very slightest degree candidates for popular favor independently of their connection with him, are pretty sure to be mentioned disparagingly or not at all.

The maps procured by Colonel Badeau are sufficiently numerous, they are very good, and they are of very convenient size and conveniently placed. The general execution of the author's task thus far is good enough to make us look forward with impatience to the appearance of the second volume, which will treat of matters as to which there is much greater difference of opinion than there is as to the subjects of the present volume.

AGASSIZ IN BRAZIL.*

THE novelty of this work consists almost wholly in its scientific details. The reader must not look in it for exciting adventures, wild explorations, unusual hardships, or—speaking only of the narrative—other than twice-told tales of travellers. The romance of an expedition munificently sustained by a private citizen of Boston, and surrounded with Imperial favor throughout its progress in Brazil, is lost in the very ease with which it was conducted at every stage. Hundreds, perhaps thousands, of persons will read of Brazil for the first time in these pages, and to such it is enough to say that Mrs. Agassiz has reported very faithfully the general aspect of the country. It was not practicable for her to excite an interest apart from the main object of the journey; but there is much in her diary, when she is not the mouthpiece of the professor, to instruct and gratify those who are indifferent to the glacial theory and the Darwinian controversy. Chapter thirteen, on the physical history of the Amazons, is from Mr. Agassiz's own pen, and has already appeared in the *Atlantic Monthly*, so that the public are pretty familiar with his theories as to the iceera and area in South America. They may be briefly summed up as follows: That there was a time when the glaciers from the Andes and the mountains of Guiana covered all the great plain between these limits and the Atlantic to the east and south, depositing a vast moraine which effectually walled out the sea, and formed a purely fresh-water basin, in which no marine shells or fossils have been found, and in which, through long epochs, the present alternate sandstone and clay strata were laid, surmounted by the customary glacial drift interspersed with erratic boulders, which may be traced from Rio to the borders of Peru, both by way of the coast and across the country; that, in time, from some cause, internal or external, the terminal barrier was destroyed, and that in the prodigious flow of waters which ensued an unparalleled erosion of the soil occurred, of which the hills of Almeyrim—as the highest remains of the original bottom—are a gauge; that the mouth of the Amazons was then many hundreds of miles to the east of its present one, and the great river counted among its tributaries the Paranyhyba and all the streams west of it to the Tocantins. These surmises are abundantly established by the character of the strata and of the boulders, the uniformity and extent of the drift, and its distinguishableness from decomposed rock *in situ*—marked in the coffee districts by the more prosperous plantations, and in practice among the farmers, when selecting coffee land, by the boulders scattered through it; by the proved encroachment of the sea upon the Amazons and the northern shore of the continent, which is still going on at a calculable rate; and finally by remains of the lateral moraine among the serras of Ceará, where Mr. Agassiz, with scientific prescience, had announced it would be found. The only objection to this sufficient and

* "A Journey in Brazil. By Professor and Mrs. Louis Agassiz." Second Edition. Boston: Ticknor & Fields. 1868. Pp. 540.

otherwise conclusive theory is, that the usual glacial scratches are wholly wanting even in the mountainous environs of Rio; but "there is not," as the professor explains, "a natural surface of rock, unless recently broken, to be found anywhere."

Whether Mr. Agassiz has been as triumphantly successful in refuting Mr. Darwin as in flooding the tropics with ice, we shall not presume to decide. In this branch of his researches he works perhaps rather more as a partisan than as a philosopher, but we know that his pupils are not trained to be *doctrinaires* (witness his admirable instructions on board the *Colorado*), and that his associates in the expedition corroborate beyond question the fact upon which he mainly relies to show "that the transmutation theory is wholly without foundation"—viz., the distribution of species in the Amazons and its tributaries (both actual and ancient). No one can feel at liberty to doubt that these rivers are divided into numerous well-defined habitats of fishes and groups of fishes that do not roam at large; and if this proves that "any given fauna is distinct and has originated where it now exists," and that the gradation uniting all animals is intellectual and not material, then, we suppose, we must abandon the claim of having monkeys for our forefathers, which Mr. Agassiz persists in thinking impious as well as unphilosophical. It would be unfair, however, to pass over his investigation of the human species also, for further arguments against Mr. Darwin. Such a mixture of races as is to be met with in Portuguese America exists in no other part of the world, and it is sincerely to be desired that Mr. Agassiz, who made there a complete series of photographs—front, profile, and back—of Indians, negroes, half-breeds, and the thousand and one shades of indiscriminate amalgamation, may speedily publish them, and deduce from them, if he can, the stability of types and the limited range and instability of varieties. We are bound to observe that in his present reasoning on this head he is guilty of some omissions which seriously impair the strength of his position. Undoubtedly it would greatly discomfit Mr. Darwin to prove that the mixture of bloods produces only deterioration and "a mongrel nondescript type, deficient in physical and mental energy;" but it is well to remember the circumstances under which this mixture has taken place—the contact of a superior with an inferior civilization in a state of slavery, the most effective instrument of amalgamation—as well as to allow for human development some of those periods which the naturalist allows to geology, and even the stock-raiser to the animal which he wishes to acclimate in a strange country. Had he done this, Mr. Agassiz would hardly have ventured, travelling somewhat beyond his record, to advise in the reconstruction of Southern society as confidently as in the reconstruction of a fossil or an extinct species from a single bone. He is no friend of slavery, and yet he considers that to yield the negro the crown of independence and self-protection is to break down, "from a mistaken philanthropy," all barriers between blacks and whites, and ensure the debasement of both. He adds:

"At a time when the new social status of the negro is a subject of vital importance in our statesmanship, we should profit by the experience of a country where, though slavery exists, there is far more liberality towards the free negro than he has ever enjoyed in the United States. Let us learn the double lesson: open all the advantages of education to the negro, and give him every chance of success which culture gives to the man who knows how to use it; but respect the laws of nature, and let all our dealings with the black man tend to preserve, as far as possible, the distinctness of his national characteristics, and the integrity of our own."

In chapter sixteen Mr. Agassiz gives his general impressions of Brazil. Compared with those of other travellers, they show that he was neither blind nor disposed to extenuate, as a guest of both Emperor and people, the well-known national defects. He found the Brazilians indolent and licentious; fond of fireworks and of superstitious observances; ignorant of the interior of their country, and taking no steps to connect it with the capital and the coast by interfluvial highways; importing vegetables and fruit that could be raised by themselves almost without effort; keeping cows, but using little milk and importing their cheese; on the Amazons, with its 2,000 species of fish, importing salt cod, and suffering periodically from a dearth of food amid the most luxuriant vegetation in the world. He found them, on the other hand, amiable and courteous; wherever he went, assisting him in making his collections, and imitating the example of the Emperor evidently out of their obliging disposition rather than in obedience to orders. He praises the tenacity with which, in the face of all discouragements, they have pursued the cultivation of coffee and cotton, and is full of hope of their steady progress in material prosperity. They have opened the Amazons to the free commerce of all nations, and it only remains for the Government to withdraw the patronage which it now extends to certain companies to the general disadvantage. Of the Brazilian women both Mr. and Mrs. Agassiz speak deplorably, especially of those of the North. Like the ladies of Quito—

"Many a Brazilian lady passes day after day without stirring beyond her four walls, scarcely ever showing herself at the door or window, for she is always in a slovenly dishabille unless she expects company. It is sad to see these stifled existences; without any contact with the world outside, without any charm of domestic life, without books or culture of any kind, the Brazilian Senhora in this part of the country either sinks contentedly into a rapid, empty, aimless life, or frets against her chains, and is as discontented as she is useless."

"Among my own sex," continues Mrs. Agassiz, p. 481, "I have never seen such sad lives as became known to me there,—lives deprived of healthy, invigorating happiness, and intolerably monotonous—a negative suffering, having its source, it is true, in the absence of enjoyment rather than in the presence of positive evils, but all the more to be deplored because so stagnant and inactive."

And Mr. Agassiz, speaking to the same point, says, p. 502:

"I cannot close what I have to say of instruction in Brazil without adding that, in a country where only half the nation is educated, there can be no complete intellectual progress. Where the difference of education makes an intelligent sympathy between men and women almost impossible, so that their relation is necessarily limited to that of the domestic affections, never raised, except in some very exceptional cases, to that of cultivated companionship, the development of the people as a whole must remain imperfect and partial."

We quote the remark because it seems to us to have a wider application than to Brazil alone. Mr. Agassiz's anticipations of a "rapid reform" in this direction seem justified by the innovation which even his short stay in Rio introduced—that of public lectures, attended by both sexes.

In keeping with the beautiful typography of this volume are the illustrations, mostly from photographs, drawn upon wood by Mr. Fenn with a fidelity that leaves little to be desired. It is rare that the tropical vegetation in particular is so conscientiously represented. We think the professor would have done well to prepare a sketch map for the reader who wants to know where he went and for the reader who wants to know what he discovered.

Recent Republications.—Mr. T. W. Higginson, we believe, prepared this work* for the juvenile public. He gives us, in Dickens's language, views of "Little Nell," "The Marchioness," "Paul and Florence," "The Fat Boy," "Tiny Tim," "Smike," and "Oliver Twist." These all, good and bad, are "child-pictures" which seem to us meant for the eyes of adults. Its author says, in his half-deprecatory prefatory note, that the chapters contained in the book are "especially associated with children." They talk about children. But for juvenile readers they are as little adapted as almost any chapters that could have been selected from all of Mr. Dickens's works. Where they are absolutely good they are humorous delineations of grown people or children, and, unless we are entirely mistaken, humor is almost entirely thrown away on people under fourteen years of age. When they are not humorous delineations of old folks and young they are pretty badly sentimentally pathetic, and therefore not very good mental pabulum for children any more than for other people. "This Marchioness," said Mr. Swiveller, folding his arms, "is a very extraordinary person, surrounded by mysteries, ignorant of the taste of beer," and so on—all of which is wasted on small boys and girls. Mr. Swiveller is meat for men. A chapter on Barnaby Rudge and his raven would have been absolutely nothing like so good, and relatively a thousand times better. Mr. Wardle's fat boy, too, whenever he is not a mere farcical lay figure, is a person that children do not appreciate. They laugh when he goes asleep, to be sure, and they would laugh a great deal more if he would go asleep a great deal quicker in much odder positions and places, and breathe a great deal more stertorously when he does drop off. But when he is really good or nearly good, he is out of sight of the children. The chapter entitled "Oliver Twist" seems to us much the best chosen. It has more straightforward story-telling than the others, and has not much else. At any rate, the story-telling is more unalloyed by other things too good and too bad for the audience whom the compiler addresses. Still, the book will do something towards leading young readers into Dickens. It will not perform that work so well as if the compiler had not, apparently, been misled by the notion that a book for children ought to be a book about children, but it will to some extent perform it. Of Mr. Eytinge's new illustrations of Dickens we have more than once spoken. There are none worse. Wherever Mr. Dickens's sentimentality is most disagreeably weakly we find in Mr. Eytinge a sympathetic illustrator; wherever Mr. Dickens is really strong Mr. Eytinge is as far as possible from understanding him.

Every one who has read the book will be glad that Mrs. Dall's latest and best contribution to social reform has reached a second edition, though

* "Child-Pictures from Dickens." With illustrations by S. Eytinge, Jr. Boston: Ticknor & Fields. 1868.

we hope no one will infer that the author is "making a good thing" by the sale.* The mechanical portion of a work so elegantly printed as this is scarcely paid for by the disposal of a thousand copies, more or less; and ten thousand sold would do far more to prosper the cause of woman than to enrich Mrs. Dall or the publishers. This new edition has rendered additional outlay necessary for an index, for corrections of sundry errors in the plates, and for the supplementary preface, in which Mrs. Dall neatly controverts Dr. Todd—or what was left of him after the application of a "counter-irritant"—on the question of inventive genius in woman. So the book is worthier than ever to go where Mrs. Stanton and Miss Anthony will never get a hearing; and where Gail Hamilton has entered as a "skirmisher," Mrs. Dall ought to follow as a hoplite to hold the field.

Except in being cheaper and a little squarer in shape, the new "Father Tom"† is like the edition which we noticed a few weeks ago, and which sold very readily. The text of each, in fact, has several inaccuracies which are pointed out in the present edition, and we think we have noticed several that still stand uncorrected in the table of errata as well as in the text. One of the corrections must be a mistake. Why, when the Pope is speaking good Latin, should "excommunicabo" be changed to "excommunicabo"?

The plates of this edition of Cary's "Dante"‡ are not new, but the print is legible, and the book is prettily and conveniently bound in the "Globe" style. A life of Dante and chronological view of the age in which he lived precede the poem; and an index of proper names is added.

Dr. Smith's school histories of Rome, Greece, and England§ are very well known, and are known favorably as being in the main candid in tone, accurate in matters of fact, well up to the most approved recent opinion, and reasonably good in point of style. His "History of England" may be said to be a "middle-class" book. It presents the same view of those periods in English history which have divided English opinion as that taken by Protestants as distinguished from Catholics, and by rather advanced Liberals as distinguished from Tories and from English republicans. Milton would have been far better pleased with it than Laud, and Macaulay would have liked it better than either. Americans will smile when they read that "they are now (1862) suffering severely from the disruption of the Union just eighty years after its recognition;" but, on the whole, they have no reason to find fault with the tone of the book or, as patriotic persons, to be otherwise than quite willing to use Dr. Smith's volume as a manual of history so far as regards England's connection with America, or as regards the strife on English soil between the principles in which Americans believe and those whose defeat we hope for and await. The book is very far from our ideal of what a school history should be; but it is as good a one on the subject of which it treats as any that we know, and better than most. It undertakes to do too much. So it does too much in one way and too little in another. Ingenuous youths will learn from it that Mr. Vansittart was afterwards Lord Bexley, and will learn several hundred, perhaps several thousand, facts of equal importance; but the space at command of a school historian being limited, they will learn less than one would like them to learn of better things. It seems a thing almost unnecessary to be said, that it is of less consequence to teach boys, English or American, that So-and-so was a member of the Rockingham administration than to teach him, for example, how England became a constitutional monarchy while its freer neighbors submitted to a sort of absolutism. Yet readers familiar with school histories know that it is a thing very necessary to be said to almost every writer of school histories. There are books worse than Dr. Smith's as regards this defect, which is the worst defect of Dr. Smith's history. A good school history of England has yet to be written, and the same remark is to be made of other countries so far as we know school histories of other countries. In almost all school-houses of which we have knowledge history is "an old almanac." We praise the book before us as relatively good, not as absolutely better than bad. In this edition the work is a cheap one, the binding and paper are quite good enough for school-boys' handling, the type will not try young eyes, and the wood-cuts are a help to the text, and better executed by much than those of the last volume of this series which passed under our hands—the author's abridgment, reprinted, of Strickland's "Queens of England."

We have spoken of the work as Dr. Smith's. It was drawn up by Mr. Philip Smith, under Dr. Smith's superintendence and direction, and Dr. Smith is responsible for it. Its table of contents is well prepared, and will serve teachers of a certain sort as a set of questions to be used in recitation. At the end are tables showing the genealogies of the royal houses who have ruled England.

The Voice in Singing. Translated from the German of Emma Seiler, by a member of the American Philosophical Society. (Philadelphia: J. B. Lippincott & Co. 1868.)—We extend to this little work a hearty welcome. It is a scientific yet clear and practical discussion of a subject which certainly stands in need of far more intelligent consideration than it has been accustomed to receive.

The necessity for further light upon the proper treatment of the voice is sufficiently shown by the fact that there are nearly as many theories concerning it as there are teachers of singing. The author of this work does not overstate the truth in the following description:

"No one who has not made the art of singing a special study can form any idea of the obscure and conflicting views in regard to the transitions of the registers which prevail among singing teachers and artists. Almost every teacher has a peculiar theory of his own in regard to the formation of the voice, every one has his own views, sometimes extremely fanciful, of the formation of tones, and of the registers—views to which he tenaciously adheres, summarily rejecting all others."

Such being the case, it is of much interest to know whether this new guide is all that it professes to be. We think it is. Its author is a German lady who has spent years in a most thorough and patient examination of the actual operations of the vocal organs in the process of producing tones. By the aid of the laryngoscope (an ingenious instrument of English invention which enables a person to examine his own or another's throat almost as minutely as he can examine his hand) she has for several years carried on a series of experiments with all kinds and qualities of voices, till the manner in which tones are produced in all the different registers and the method of transition from one register to another have become entirely clear to her mind. The spirit in which these investigations have been conducted of course counts for much. Mme. Seiler seems to have been entirely free from such pre-established notions as would have tended to disturb the soundness of her conclusions. In fact, one valuable feature of her discussions is that she does not seem too eager to thrust her own views forward, but in describing her experiments is usually content to state the facts themselves, leaving it for others to draw inferences and build up theories.

There is a vein of practical common sense running through the book which argues well for its usefulness. For example, while reading the chapters which describe so minutely the action of the ligaments and cartilages which determine the human voice, the fear suggested itself to our mind more than once that some undiscerning teachers might be led to regard a philosophical treatise as a method of instruction, and endeavor to teach singing by similar anatomical descriptions; which would be about as sensible as for a dancing-master to undertake to give instructions in his art by a series of lectures on the muscles of the leg. But our apprehensions were soon relieved by finding the reader particularly cautioned against this fallacy. While insisting that the teacher should thoroughly understand the physiological laws and occult operations of the vocal apparatus, the author shows clearly that right instruction in singing is almost wholly a matter of example and imitation. Scientific knowledge of the subject may be desirable for the pupil just as any other knowledge is desirable, but in acquiring the right method of using the voice, familiarity with physiological law will be of very little service to him.

Madame Seiler presents with great force the decadence of the art of singing under the present system—or systems—of instruction, and points, with a regret that every musical reader will share, to the old Italian schools such as the one under Porpora, where poor voices learned to become sweet, and where fine voices grew to be world-wonders. Then the children learned to sing, and began softly, sweetly, naturally. Now girls must wait till they are young ladies, for in less than a half dozen lessons they will be expected to "swell" their poor throats to their utmost power, and stretch them until the highest and lowest possible compass is reached. Then there was ease and purity and freshness of tone. Now there is huskiness and straining and white-of-egg and pickles and honey, until a transient smoothness is attained, only to relapse into worse huskiness when the excitement is over. We have even heard the monstrous proposition that a coarse, rough voice in talking was a sign of a good voice for singing. Then durability was an object; the good voice was preserved from childhood almost to old age. Now the young ladies—and young gentlemen too—scream their voices quite away before they reach the prime of life.

* "The College, the Market, and the Court; or, Woman's Relation to Education, Labor, and Law. By Caroline H. Dall." Second edition. Boston: Lee & Shepard. 1868.

† "Father Tom and the Pope; or, A Night in the Vatican." New York: Moorhead, Simpson & Bond. 1868.

‡ "The Vision; or, Hell, Purgatory, and Paradise of Dante Alighieri. Translated by Rev. H. F. Cary, A. M." Flaxman's illustrations. New York: D. Appleton & Co. 1868.

§ "A Smaller History of England, from the Earliest Times to the Year 1862. Edited by Wm. Smith, LL.D." New York: Harper & Brothers. 1868.

Other topics are discussed in this work—as, for instance, “The Æsthetic View of the Art of Singing;” but we have preferred to dwell upon what we regard as by far the most important points. The translator has done his work carefully and well. He can rest assured that he has rendered the musical world a service by bringing this treatise within the reach of English readers.

History of the Microscope, etc. By Jabez Hogg. Sixth edition. (New York: Geo. Routledge & Sons.)—One of the best of the numerous English works on popular science is this of Mr. Hogg's, of which the present edition purports to have been partly rewritten, and is profusely illustrated. As a treatise on microscopical science and art the book cannot vie with Frey, Carpenter, or Quickett, but it has, nevertheless, fulfilled the author's object, which seems to have been to excite, outside of scientific circles, a widespread desire to investigate the wonderful microcosm which the compound achromatic microscope has revealed. The chapter on the history of the instrument is written in a rather British spirit—nothing being said of Spencer and Tolles, Americans, who first made high powers with great angles of aperture. Almost nothing is said of the development of the principle of immersion as applied to objectives by Amici. The chapters on botany and zoölogy abound in information which will furnish the amateur microscopist with materials wherewith most agreeably to entertain his friends on a spare evening, and which may be made to serve as a basis for more detailed and systematic study. The section on human histology is particularly imperfect, many utterly wrong statements being made, and the wood engravings being copied from books by no means the most recent or reliable. The colored plates added to this edition are very handsome, and generally correct. On the whole, the book is one to be recommended to persons of both sexes who can afford to purchase an instrument, and who desire a recreation healthful to mind and body, and a source of unending pleasure and surprise. A tendency to the cultivation of this amateur science seems to be showing itself in various parts of the country, and would be fostered by the issue of cheap editions of such works as this of Mr. Hogg, and by the manufacture of solid, working microscopes, at a price corresponding with that of the “educational” instrument in England.

The Poetry of Compliment and Courtship. Selected and arranged by John Williamson Palmer. (Boston: Ticknor & Fields. 1868.)—This is a very satisfactory collection of the poetry described in the title-page. The “courtship” is happy, to be sure; the darker side of love affairs is not presented; there is no sighing that is much more than chin deep, and no shed of blood or unmelodious tears. Still, the collection is to be called satisfactorily complete. For it is only one of five parts which are to be prepared and published by Dr. Palmer, and which together will constitute a great body of poetry which may be called the Poetry of the Family. Its companions will complete it. There is, for the first part, this volume before us—219 beautifully printed duodecimo pages. It begins, as the compiler points out, with a gay, amorous, gallant little extravagance—Burns's “Green Grow the Rashers O!”—and it ends with a marriage. Next is to come the “Poetry of Marriage and Offspring;” how beginning and how ending we are not informed. Third in the series is the “Poetry of Home and Friends;” fourth, the “Poetry of Meeting, Parting, and Separation;” and, finally, the “Poetry of Bereavement, Condolence, and Consolation.” The poetry of the family will, then, begin with the birth of the great passion in a youthful heart, and will end, in the fifth part, with the death of the beloved. Every part will fit into every other, and the whole will be symmetrical. The life of the family, to quote the compiler again, will be traced from its founding to its breaking up, through all its fortunes, happy or sad; all its ties of kindred or friendship, in selections of appropriate verse. The “Poetry of Compliment and Courtship” takes us only to the threshold of the family; we fancy that many poems of the volumes forthcoming will take us over the threshold again into the world at large. No scheme, even one so happily thought of as this of Dr. Palmer's, is perfectly carried out; but it is certain that if the other four volumes of the whole work—each volume, by the way, is complete in itself and independent of the others—are prepared with as much taste and knowledge as Dr. Palmer has displayed in this volume, we shall have from him the best general collection of the best poems that has ever at any time been made in this country or Great Britain, and, doubtless, we shall have mingled with the good ones a few bad ones. That is hardly to be helped; still, in the case of compilers of such books, a little easiness of taste—an easiness that admits something not truly excellent—may readily be forgiven; it ought not to be more than a little easiness; but it is fortunate if, instead of merely a too great facility of being pleased, we do not find in selectors of poems that

utter failure in delicacy of perception which makes them stupidly reject the good. This Dr. Palmer has not done. He has printed some poems that we certainly would not have printed. But we believe he has left out none that we should have chosen, and we, as he seems to promise us, expect to see in some of the future volumes those pieces that we miss in this one. The whole work may, perhaps, have an index of authors; the part before us is deficient in that respect.

Time and Tide, by Weare and Tyne. Letters on the Laws of Work. By John Ruskin, LL.D. (New York: John Wiley & Son.)—The distinguished author announces that this book, with one other which is to follow and complete it, is his last political testament. It ought to be. It has about as obvious a relation to the world we live in as its title has to its contents. It is the fantasy of a pessimist who, if he does not ignore the irresistible tendency of modern society, sees in it only ruin and darkness—increasing prevalence of “mob violence,” increased chances of “insane wars founded on popular passion.” Mr. Ruskin detests liberty (we use his own words), and denies the possibility of equality, and he accordingly builds up a system of artificial restraints in which anything may be done to the recalcitrant except to sell them, and a class system in which place is found, among other things, for an ornamental aristocracy supported at the expense of the state. We are bound to acknowledge that he advocates compulsory education for every citizen, and that he believes in education as the only preventive of crime. It is also, we may remark, the only preventive of narrowness and prejudice like his when he says, “If I had to choose, I would tenfold rather see the tyranny of old Austria triumphant in the Old and New Worlds, and trust to the chance (or rather the distant certainty) of some day seeing a true emperor born to its throne, than, with every privilege of thought and act, run the most distant risk of seeing the thoughts of the people of Germany and England become like the thoughts of the people of America.” And the highest education, which brings with it, as he himself points out, an humble perception of “the smallness of one's own powers and knowledge, as compared with the attainments of others,” would have prevented Mr. Ruskin from including under the term “mob” “all our [English] popular economists and educators,” for whom he cannot express the “contempt” he feels; from describing Mr. J. S. Mill as “foaming at the mouth” over the Jamaica atrocities; and from brutally charging him with a wilful *suppression veri* in one of his politico-economical discussions, “for fear of fostering political agitation.” Education ought also to have rendered difficult such a perversion of moral judgment as Mr. Ruskin showed (he reports the facts himself and in connection) when he gave twenty pounds to the widow and family of a deceased artist—whom he chides for having more children than he could support—and with the other hand bestowed a hundred in defence of Governor Eyre, who made widows by murdering the innocent.

It is, however—we may even say, happily—too clear that Mr. Ruskin is in a morbid state of mind which equally forbids either argument or censure. After asserting “the inevitable power and infectiousness of all evil, and the easy and utter extinguishableness of good,” he says: “While, in summing up the observation of past life, not unwatchfully spent, I can truly say that I have a thousand times seen patience disappointed of her hope, and wisdom of her aim, I have never yet seen folly fruitless of mischief, nor vice conclude but in calamity.” The failure to see that this is no real but a false antithesis; that patience would not be patience if it were always rewarded, nor vice vice if it ever concluded in aught but disaster; that if wisdom were infallible it would be incapable of growth, and there would be no room for humility, which now accompanies the highest human wisdom, while we should all be fools unless folly fruited in mischief;—the same failure, in short, to comprehend the development of the moral as of the political world, is evidence not only of a defective philosophy but of a mind almost diseased. He, too, had been observant who said, in the Scriptures, “I have been young and now am old; yet never have I seen the righteous forsaken nor his seed begging bread.”

These letters to a cork-cutter have the merit of not being rigidly devoted to the subject which occasioned them. Mr. Ruskin is easily led aside by paragraphs in the newspapers—which he reads with commendable assiduity, even if he turns them to the account of his pessimism—and in the consequent episodes he says a great deal which is worth pondering, and most of which is undeniably just. Such are his remarks on the theatre, on Doré as an illustrator of the Bible fresh from the “Contes Drolatiques,” on Mozart's prostitution of his art and genius in *Don Giovanni* and the *Magic Flute*; the passages on honesty, p. 33, and on time, p. 93, etc., etc. One even feels the ground firmer under his feet after experience of Mr. Ruskin's vagaries, and we would warn nobody against reading him “unto this last.”

Gemma: A Novel. By T. A. Trollope. (Philadelphia: T. B. Peterson & Brothers.)—The chief fault of Mr. Trollope's new novel is its length. It is a story of Italian life, of a period dating some thirty years back, which, though it gives us a glimpse of convent life as led by the pupils in those establishments, and contains, besides its apparently accurate descriptions of Italian scenery and manners, a suicide and an attempted murder, might very well have been condensed into a magazine story of fifty or sixty pages. But when a man is cursed—or blessed, according as one looks at the matter from the reader's or the writer's point of view—with such a fatal facility for making "copy," it is probably difficult for him to stay his hand. As the now almost-forgotten "Country Parson" said once, after filling two pages of the *Atlantic* with a succession of mild platitudes which would perhaps have possessed some slight force had they been stated in three or four sentences—"the experienced critic will see that I have here comprised in two pages what might with ease have been spread over ten or fifteen"—and he seemed to feel a certain pity for both himself and his readers that the inexorable limits of the space assigned him condemned him to such painful brevity. As novels go, Mr. Trollope's is a very fair novel; but it would have been better—might even have been good—had it been only half as long.

Even in that supposititious case, however, its merits would not have been of a very lofty order. It is one of those books whose interest depends mainly upon their story—and in this case the story, although Mr. Trollope assures us of its literal truth, and its incidents are of the most orthodox sensational nature, fails to excite a very lively interest. The fault is Mr. Trollope's, who attempts to combine sensational matter with a cool, business-like, unimpassioned manner, and produces rather an odd mixture. He

deals with sufficiently interesting passions—with love, hopeless and successful, leading in the one case to the most desirable of marriages, and in the other to despair and jealousy, suicide and murder. His heroine, for he has two—the book deriving its title from the more unimportant of the two—are young Italian girls, bred together in a convent, who both love the same man. Between Count Gino Donati and Dianora Orsini a sort of tacit engagement has existed from their infancy; but as the time for their marriage draws near, he happens to see Gemma Venturi, falls hopelessly in love with her, and has the good luck to inspire her with a like passion. Dianora, becoming aware of his defection through the instrumentality of Dr. Carlo Parenti, a lodger in the house of Gemma's father, conceives the project of murdering her rival by some means which will slowly destroy her beauty, and, before her death, render her loathsome to her lover. She applies for assistance to the most convenient of witches, who cherishes at once an hereditary attachment to the house of Orsini and a long hatred to that of Venturi. The requisite poison—antimony in small doses—being obtained, Dianora finds an instrument for its administration at her hand, in the person of Dr. Parenti, whose love for her is the motive which induces him to assist her. The plot is, of course, arrested in due season. Dianora dies by her own hand, and her accomplice leaves the country; while Gemma recovers her health and her beauty, and is in due course married.

The interest of the story increases as it approaches its termination, and Mr. Trollope manages his incidents skilfully, and writes with a trained and practised hand. Nevertheless, we do not recommend his novel as very exhilarating reading.

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